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Commission on Crime Prevention and Criminal Justice

Report on the Fifth Session (21-31 May 1996)

Economic and Social Council
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NOTE

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SUMMARY

At its fifth session, the Commission on Crime Prevention and Criminal Justice recommended the adoption of two draft resolutions by the General Assembly and ten draft resolutions and two draft decisions by the Economic and Social Council. In addition, it adopted three resolutions and one decision to be brought to the attention of the Council.

In draft resolution I on action against corruption, the General Assembly would adopt an international code of conduct for public officials. It would request the Secretary-General to elaborate an implementation plan and, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to requesting Member States. The code would include provisions related to general principles, conflicts of interest and disqualification, disclosure of assets, acceptance of gifts or other favours, confidential information and political activity.

In draft resolution II on the United Nations Declaration on Crime and Public Security, the General Assembly would approve the Declaration and would urge Member States to take all appropriate measures at the national and international levels to combat serious transnational crime. The Assembly would also urge Member States to make every effort in order that the Declaration becomes generally known and is observed and implemented in accordance with their respective national legislation. The text of the Declaration would contain 11 articles in which Member States would proclaim to protect the security and well-being of their citizens and all persons within their jurisdiction by taking effective national measures to combat serious transnational crime, and would pledge their mutual cooperation in those efforts.

In draft resolution I on the role of criminal law in the protection of the environment, the Council would request the Secretary-General to seek the views of Member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment. It would also call upon Member States to cooperate with each other and with international organizations in their efforts to prevent crimes against the environment, to include appropriate penal provisions in their laws and ensure their enforcement and to support technical cooperation activities in environmental matters.

In draft resolution II, on international cooperation and assistance in the management of the criminal justice system, the Council would urge Member States, other organizations and the private sector to strengthen the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme network by establishing an advisory steering group administered by the Secretary-General, by identifying a standing pool of experts for the practical implementation of technical operation activities and by actively participating in the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing-house. The Council would also request the Secretary-General to conduct a survey of national capacities for the collection of crime statistics, on the basis of a form annexed to the draft resolution.

In draft resolution III, on the elimination of violence against women, the Council would urge Member States to ensure that all forms of violence against women are, in the absence of existing laws, legislatively proscribed; that women are treated fairly by the criminal justice system; and that acts of violence against women are recognized as criminal matters that are, as appropriate, open to public scrutiny and intervention. The Council would also note the revised document produced by the Commission at its fifth session, entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women", and would request the Secretary-General to seek the views of Member States, institutes comprising the Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women and to submit a report containing the text of draft practical measures, strategies and activities, as well as a report on the views received to the Commission at its sixth session.

In draft resolution IV, on measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences, the Council would invite Governments to adopt the necessary measures, in accordance with their legislation, to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime. It would also request the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit traffic in children and to conduct a survey on the extent to which children are protected from becoming victims of illicit international trafficking. And it would decide that the Commission should include in its provisional agenda for its sixth session an item on the possible elaboration of a legally binding international instrument on the illicit traffic in children.

In draft resolution V, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, the Council would take note of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime. It would also request the Secretary-General to assist in the implementation of the Naples Political Declaration and Global Action Plan, to establish a central repository for specific information and instruments on organized transnational crime, to continue his consultations with Governments on the possibility of elaborating a convention or conventions, including a code of conduct or other instrument, against organized transnational crime, to provide advisory services and technical assistance to requesting Member States and, for the purpose of providing such assistance, to develop training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime.

In draft resolution VI, on follow-up action on firearms regulation for the purpose of crime prevention and public safety, the Council would welcome the progress made by the Secretary-General in undertaking the study on regulating firearms and would request him to pursue his study in accordance with the established work plan. It would also endorse the questionnaire for the preparation of the survey and country reports on firearms regulation issues, and would request the Secretary-General to collect information and consult with Member States, as appropriate, and to analyse the information obtained.

In draft resolution VII, on the administration of juvenile justice, the Council would welcome the progress made with regard to elaborating a programme of action to promote the effective use and application of international standards and norms in juvenile justice. It would also invite the Secretary-General to strengthen system-wide coordination of technical assistance projects in the field of juvenile delinquency prevention and the establishment or improvement of juvenile justice systems. In addition, it would request him to organize, in cooperation with the Austrian Government and using extrabudgetary resources, a meeting of an expert group on the elaboration of a programme of action on juvenile justice. It would also decide that the Commission at its sixth session should consider the draft programme of action.

In draft resolution VIII, on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Council, noting with appreciation the deliberations and work of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna in December 1995, would recognize the desirability of preparing a draft manual or draft manuals on the use and application of the Declaration, to be elaborated by expert group meetings to be convened with extrabudgetary funds, for submission to the Commission at its sixth session.

In draft resolution IX, on safeguards guaranteeing protection of the rights of those facing the death penalty, the Council would note that, during the period 1990-1995, an increasing number of countries abolished the death penalty and others followed a policy of reducing the number of capital offences, declaring that they had not sentenced any offender to that penalty, while still others had retained it and a few had reintroduced it. It would also call upon Member States in which the death penalty has not been abolished to effectively apply the safeguards guaranteeing protection of the rights of those facing the death penalty and would encourage such Member States to ensure that each defendant facing a possible death sentence is given all guarantees for a fair trial.

In draft resolution X, on United Nations standards and norms in crime prevention and criminal justice, the Council would invite Governments to ensure the promotion and widest possible dissemination of the standards and norms and to publish the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* in the languages of their countries. The Council would also urge Governments that have not yet replied to questionnaires on four specific standards in crime prevention and criminal justice to submit their replies to the Secretary-General as soon as possible. In addition, the Council would request the Secretary-General to prepare a report, for submission to the Commission at its sixth session, on the desirability of establishing an inter-sessional working group, as well as to continue to coordinate activities related to the use and application of the standards and norms.

In its resolution 5/1, on the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Commission requested the Secretary-General to summarize the views received from States, relevant agencies and programmes of the United Nations system and other relevant intergovernmental and non-governmental organizations concerning the proposals for the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress, for consideration by the Commission at its sixth session.

In its resolution 5/2, on technical cooperation and interregional advisory services in crime prevention and criminal justice, the Commission reaffirmed the high priority attached to technical cooperation and advisory services as a means for the crime prevention and criminal justice programme to respond to the needs of the international community in the face of both national and transnational criminality, as well as the importance of continuing to improve and strengthen the operational activities of the Programme. The Commission also called upon Member States to provide both general-purpose and earmarked contributions to the United Nations Crime Prevention and Criminal Justice Fund and requested the Secretary-General to explore with Member States the establishment of a mechanism for resource mobilization and coordination of activities.

In its resolution 5/3, on strategic management by the Commission of the Programme, the Commission noted the reaffirmation of the fundamental role of the medium-term plan and the regular budget of the United Nations as the framework for exercising the functions of the Commission related to the strategic management of the Programme and took note of the draft medium-term plan for the period 1998-2001. It also recognized the importance of the contribution that its bureau could make in advancing the work of the Programme and made several specific requests and suggestions in that regard. It also decided to exercise more vigorously its mandated functions of resource mobilization and, for that purpose, to establish an informal consultative group. In addition, it decided to curtail and streamline its reporting requirements.

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Chapter I

MATTERS CALLING FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL OR BROUGHT TO ITS ATTENTION

A. Draft resolutions to be recommended by the Economic and Social Council for adoption by the General Assembly

1. The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolutions for adoption by the General Assembly:

DRAFT RESOLUTION I

Action against corruption*

The Economic and Social Council,

Recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Concerned at the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Also concerned about the links between corruption and other forms of crime, particularly organized crime and economic crime, including money-laundering,

Convinced that, since corruption is a phenomenon that currently crosses national borders and affects all societies and economies, international cooperation to prevent and control it is essential,

Convinced of the need to provide, upon request, to developing countries and countries with economies in transition technical assistance designed to improve public management systems and enhance accountability and transparency,

Recalling the Inter-American Convention against Corruption, adopted by the Organization of American States at the special conference held at Caracas from 27 to 29 March 1996,

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*For the discussion, see chapter II.

Recalling also its resolutions 45/121 of 14 December 1990 and 46/152 of 18 December 1991 and Economic and Social Council resolutions 1992/22 of 30 July 1992, 1993/32 of 27 July 1993 and 1994/19 of 25 July 1994,

Recalling in particular its resolution 50/225 of 19 April 1996, adopted at its resumed session on public administration and development,

Recalling further Economic and Social Council resolution 1995/14 of 24 July 1995, on action against corruption,

Recalling also the work carried out by other international and regional organizations in this field, including the activities of the Council of Europe, the European Community, the Organisation for Economic Cooperation and Development and the Organization of American States,

1. *Takes note* of the report of the Secretary-General on action against corruption,[1] submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session;

2. *Adopts* the International Code of Conduct for Public Officials, contained in the annex to the present resolution, and recommends it to Member States as a tool to guide their efforts against corruption;

3. *Requests* the Secretary-General to distribute the International Code of Conduct to all States and to include it in the manual on practical measures against corruption, to be revised and expanded pursuant to Economic and Social Council resolution 1995/14, with a view to offering both those tools to States in the context of advisory services, training and other technical assistance activities;

4. *Also requests* the Secretary-General to continue collecting information and legislative and regulatory texts from States and relevant intergovernmental organizations, in the context of his continuing study of the problem of corruption;

5. *Further requests* the Secretary-General, in consultation with States, relevant intergovernmental and non-governmental organizations, as well as in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to elaborate an implementation plan and to submit it to the Commission on Crime Prevention and Criminal Justice at its sixth session, in conjunction with his report to be submitted pursuant to Economic and Social Council resolution 1995/14;

6. *Urges* States, relevant intergovernmental and non-governmental organizations, as well as the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in elaborating the implementation plan and in implementing paragraph 4 above;

7. *Urges* Member States carefully to consider the problems posed by the international aspects of corrupt practices, especially as regards international economic activities carried out by corporate entities, and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems and transactions carried out by such corporate entities;

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[1] E/CN.15/1996/5.

8. *Requests* the Secretary-General to intensify his efforts to closely cooperate with other entities of the United Nations system and other relevant international organizations and to more effectively coordinate activities undertaken in this area;

9. *Also requests* the Secretary-General, subject to the availability of extrabudgetary resources, to provide increased advisory services and technical assistance to requesting Member States, particularly in the elaboration of national strategies, the elaboration or improvement of legislative and regulatory measures, the establishment or strengthening of national capacities to prevent and control corruption, as well as in training and upgrading skills of relevant personnel;

10. *Calls upon* States, relevant international organizations and financing institutions to extend to the Secretary-General their full support and assistance in the implementation of the present resolution;

11. *Requests* the Commission on Crime Prevention and Criminal Justice to keep the issue of action against corruption under regular review.

Annex

INTERNATIONAL CODE OF CONDUCT FOR PUBLIC OFFICIALS

I. General principles

1. A public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. Therefore, the ultimate loyalty of public officials shall be to the public interests of their country as expressed through the democratic institutions of government.

2. Public officials shall ensure that they perform their duties and functions efficiently and effectively, in accordance with laws or administrative policies, and with integrity. They shall at all times seek to ensure that public resources for which they are responsible are administered in the most effective and efficient manner.

3. Public officials shall be attentive, fair and impartial in the performance of their functions and, in particular, in their relations with the public. They shall at no time afford any undue preferential treatment to any group or individual or improperly discriminate against any group or individual, or otherwise abuse the power and authority vested in them.

II. Conflicts of interest and disqualification

4. Public officials shall not use their official authority for the improper advancement of their own or their family's personal or financial interest. They shall not engage in any transaction, acquire any position or function, or have any financial, commercial or other comparable interest that is incompatible with their office, functions and duties or the discharge thereof.

5. Public officials, to the extent required by the officials' position, shall in accordance with laws or administrative policies, declare business, commercial and financial interests, or activities undertaken for financial gain that may raise a possible conflict of interest. In situations of possible or perceived conflict of interest between public officials' duties and private interests they shall comply with the measures established to reduce or eliminate such conflict of interest.

6. Public officials shall at no time improperly use public moneys, property, services, or information which is acquired in the performance of, or as a result of, their official duties for activities not related to their official work.

7. Public officials shall comply with measures established by law or administrative policies in order that after leaving their official positions they will not take improper advantage of their previous office.

III. Disclosure of assets

8. Public officials shall, in accord with the officials' position, and as permitted or required by law and administrative polices, comply with requirements to declare or to disclose personal assets and liabilities, as well as, if possible, those of their spouses and/or dependants.

IV. Acceptance of gifts or other favours

9. Public officials shall not solicit or receive directly or indirectly any gift or other favours which may influence the exercise of their functions, performance of their duties or their judgement.

V. Confidential information

10. Matters of a confidential nature in the possession of public officials shall be kept confidential unless national legislation, the performance of duty or the needs of justice strictly require otherwise. Such restrictions shall apply also after separation from service.

VI. Political activity

11. The political or other activity of public officials outside the scope of their office shall, in accordance with laws and administrative policies, not be such as to impair public confidence in the impartial performance of their functions and duties.

DRAFT RESOLUTION II

United Nations Declaration on Crime and Public Security*

The Economic and Social Council,

Recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Convinced that the adoption of a declaration on crime and public security will contribute to the enhancement of the struggle against serious transnational crime,

1. *Approves* the United Nations Declaration on Crime and Public Security, the text of which is annexed to the present resolution;

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*For the discussion, see chapter II.

2. *Urges* Member States, in accordance with the provisions of the Declaration, to take all appropriate measures at the national and international levels to combat serious transnational crime;

3. *Invites* the Secretary-General to inform all States and the relevant specialized agencies and organizations of the adoption of the Declaration;

4. *Urges* Member States to make every effort in order that the Declaration becomes generally known and is observed and implemented in full in accordance with their respective national legislation;

5. *Invites* Member States to promote public campaigns, including the use of mass media, that stimulate public awareness of and participation in the process of crime prevention and promotion of public security.

Annex

UNITED NATIONS DECLARATION ON CRIME AND PUBLIC SECURITY

The General Assembly,

Solemnly proclaims the following United Nations Declaration on Crime and Public Security:

Article 1

Member States shall seek to protect the security and well-being of their citizens and all persons within their jurisdictions by taking effective national measures to combat serious transnational crime, including organized crime, illicit drug and arms trafficking, smuggling of other illicit articles, organized trafficking in persons, terrorist crimes and the laundering of proceeds from serious crimes, and shall pledge their mutual cooperation in those efforts.

Article 2

Member States shall promote bilateral, regional, multilateral and global law enforcement cooperation and assistance, including, as appropriate, mutual legal assistance arrangements to facilitate the detection, apprehension and prosecution of those who commit or are otherwise responsible for serious transnational crimes and to ensure that law enforcement and other competent authorities can cooperate effectively on a international basis.

Article 3

Member States shall take measures to prevent support for and operations of criminal organizations in their national territories. Member States shall, to the fullest possible extent, provide for effective extradition or prosecution of those who engage in serious transnational crimes in order that they find no safe haven.

Article 4

Mutual cooperation and assistance in matters concerning serious transnational crime shall also include, as appropriate, the strengthening of systems for the sharing of information among Member States and the

provision of bilateral and multilateral technical assistance to Member States by utilizing training, exchange programmes and law enforcement training academies and criminal justice institutes at the international level.

Article 5

Member States that have not yet done so are urged to become parties as soon as possible to the principal existing international treaties relating to various aspects of the problem of international terrorism. States parties shall effectively implement their provisions in order to fight against terrorist crimes. Member States shall also take measures to implement General Assembly resolution 49/60 of 9 December 1994 on measures to eliminate international terrorism and its annex containing the Declaration on Measures to Eliminate International Terrorism.

Article 6

Member States that have not yet done so are urged to become parties to the international drug control conventions as soon as possible. States parties shall effectively implement the provisions of the Single Convention on Narcotic Drugs of 1961,[2] that Convention as amended by the 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961,[3] the Convention on Psychotropic Substances of 1971[4] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[5] Member States specifically reaffirm that, on the basis of shared responsibility, they shall take all necessary preventive and enforcement measures to eliminate the illicit production of, trafficking in, and distribution and consumption of narcotic drugs and psychotropic substances, including measures to facilitate the fight against those criminals involved in this type of transnational organized crime.

Article 7

Member States shall take measures within their national jurisdictions to improve their ability to detect and interdict the movement across borders of those who engage in serious transnational crime, as well as the instrumentalities of such crime, and shall take effective specific measures to protect their territorial boundaries, such as:

(a) Adopting effective controls on explosives and against illicit trafficking by criminals in certain materials and their components that are specifically designed for use in manufacturing nuclear, biological or chemical weapons and, in order to lessen risks arising from such trafficking, by becoming party to and fully implementing all relevant international treaties relating to weapons of mass destruction;

(b) Strengthening supervision of passport issuance and enhancement of protection against tampering and counterfeiting;

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[2]United Nations, *Treaty Series*, vol. 520, No. 7515.

[3]Ibid., vol. 976, No. 14152.

[4]Ibid., vol. 1019, No. 14956.

[5]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November–20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

(c) Strengthening enforcement of regulations on illicit transnational trafficking in firearms, with a view to both suppressing the use of firearms in criminal activities and reducing the likelihood of fuelling deadly conflict;

(d) Coordinating measures and exchanging information to combat the organized criminal smuggling of persons across national borders.

Article 8

To combat further the transnational flow of the proceeds of crime, Member States agree to adopt measures, as appropriate, to combat the concealment or disguise of the true origin of proceeds of serious transnational crime and the intentional conversion or transfer of such proceeds for that purpose. Member States agree to require adequate record-keeping by financial and related institutions and, as appropriate, the reporting of suspicious transactions, and to ensure effective laws and procedures to permit the seizure and forfeiture of the proceeds of serious transnational crime. Member States recognize the need to limit the application of bank secrecy laws, if any, with respect to criminal operations, and to obtain the cooperation of the financial institutions in detecting these and any other operations which may be used for the purpose of money-laundering.

Article 9

Member States agree to take steps to strengthen the overall professionalism of their criminal justice, law enforcement and victim assistance systems, and relevant regulatory authorities, through measures such as training, resource allocation and arrangements for technical assistance with other States, and to promote the involvement of all elements of their societies in combating and preventing serious transnational crime.

Article 10

Member States agree to combat and prohibit corruption and bribery, which undermine the legal foundations of civil society, by enforcing applicable domestic laws against such activity. For this purpose, Member States also agree to consider developing concerted measures for international cooperation to curb corrupt practices, as well as developing technical expertise to prevent and control corruption.

Article 11

Actions taken in furtherance of this Declaration shall fully respect the national sovereignty and territorial jurisdiction of Member States as well as the rights and obligations of Member States under existing treaties and international law, and shall be consistent with human rights and fundamental freedoms as recognized by the United Nations.

B. Draft resolutions for adoption by the Economic and Social Council

2. The Commission recommends to the Economic and Social Council the adoption of the following draft resolutions:

DRAFT RESOLUTION I

The role of criminal law in the protection of the environment*

The Economic and Social Council,

Recalling General Assembly resolution 45/121 of 14 December 1990, on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in which the Assembly welcomed the instruments and resolutions adopted by the Eighth Congress, which included a resolution on the role of criminal law in the protection of nature and the environment,[6]

Recalling also General Assembly resolution 46/152 of 18 December 1991, which called for strengthened international cooperation to combat transnational crime,

Recalling further its resolution 1992/22 of 30 July 1992, in section VI of which it determined that three priority themes should guide the work of the Commission on Crime Prevention and Criminal Justice, one of which included the role of criminal law in the protection of the environment, and in section III of which it invited Member States to establish reliable and effective channels of communication among themselves and with the United Nations Crime Prevention and Criminal Justice Programme, including the regional institutes affiliated with the United Nations,

Reaffirming the principles of the Rio Declaration on Environment and Development,[7] of June 1992,

Bearing in mind the activities and deliberations on sustainable development relating to the transfer of environmentally sound technology and the relevant provisions of Agenda 21[8] on the same subject,

Recognizing the importance of enhancing international cooperation in the enforcement of domestic and international environmental criminal laws, and of promoting operational activities in that area,

Considering that for several years legal experts have been discussing the need for the establishment of an international court for environmental matters,

Bearing in mind that a number of meetings of legal experts specializing in environmental and criminal matters have suggested to Governments to consider discussing, in the United Nations, the feasibility of establishing an international court for environmental matters,

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*For the discussion, see chapter II.

[6] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.2.

[7] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution I, annex I.

[8] Ibid., annex II.

Aware that it is essential to protect the environment not only at the national level, but also at the international level, with due respect for the sovereignty of states, and that in this respect it may be appropriate to continue developing at the international level standards in criminal law for the protection of the environment,

Taking note with appreciation of the Monograph on Capacity Building in Criminal Enforcement of Environmental Law,[9]

Bearing in mind that a proposal regarding the possibility of establishing a court having environmental jurisdiction was made at the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992,

1. *Appreciates* the efforts of the Government of Costa Rica to continue discussions on the function of criminal law as regards protection of the environment; also appreciates its offer to host, in November 1996, an expert group meeting on that issue and invites the Secretary-General to provide the necessary collaboration in the organization of that meeting;

2. *Requests* the Secretary-General to seek the views of Member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment;

3. *Decides* that the issue of criminal law for the protection of the environment should continue to be one of the priority issues of the Commission on Crime Prevention and Criminal Justice at its future sessions;

4. *Requests* the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental, non-governmental and other organizations active in the field of environmental protection, particularly in the area of technical cooperation and assistance, including the formulation and implementation of joint projects on enforcement of environmental criminal law, and other relevant activities within the United Nations system concerned with legal matters;

5. *Also requests* the Secretary-General to maintain and expand the roster of experts in this field and to continue gathering information on national environmental criminal law and regional and multinational initiatives;

6. *Calls upon* Member States to cooperate with each other, as well as with international organizations, in their efforts to prevent crimes against the environment, and to include appropriate penal provisions in their laws and ensure their enforcement;

7. *Recognizes* the arrangements for preparing a manual for professionals responsible for enforcement of environmental criminal law, and recommends that this work should be carried out by an expert group meeting, subject to the availability of extrabudgetary funds;

8. *Calls upon* Member States to support technical cooperation activities in environmental matters by making contributions in kind or by contributing to the United Nations Crime Prevention and Criminal Justice Fund;

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[9]E/CN.15/1996/CRP.4.

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixth session on the implementation of the present resolution.

DRAFT RESOLUTION II

International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information*

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations Crime Prevention and Criminal Justice Programme, in the annex of which it is stipulated that the general goals of the Programme should be to contribute to, *inter alia*, more efficient and effective administration of criminal justice, with due respect for the human rights of all those affected by crime and all those involved in the criminal justice system, and in paragraph 5 of which the Assembly decided that the United Nations Crime Prevention and Criminal Justice Programme should provide States with practical assistance in order to improve their response to crime,

Recalling also General Assembly resolution 45/109 of 14 December 1990 on the computerization of criminal justice, in which the Assembly requested the Secretary-General to establish, in cooperation with the network of institutes for the prevention of crime and the treatment of offenders, affiliated with the United Nations, a technical cooperation programme for the computerization of criminal justice information in order to offer training, assess needs and formulate and execute specific projects,

Recalling further its resolution 1992/22, section I, of 30 July 1992, in which it reaffirmed the request of the General Assembly to the Secretary-General to strengthen the Programme as a whole, so as to enable it to further develop clearing-house facilities in relation to crime prevention and criminal justice issues, including the capacity to match the needs for training with the opportunities available to meet them,

Takes note with appreciation of the report of the Secretary-General on the draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system,[10]

Mindful that the development of a more structured framework is critical to the delivery of the activities described in the report of the Secretary-General and that an international technical cooperation infrastructure is important in facilitating the access of Member States to relevant resources and information regarding existing programmes and projects,

Emphasizing the common problems faced by all Member States in the administration and computerization of criminal justice,

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*For the discussion, see chapter II.

[10]E/CN.15/1996/13 and Corr.1.

Emphasizing also that developing countries, countries with economies in transition and developed countries, by enhancing their capacity to exchange information at the international level, may benefit from international cooperation in the computerization of criminal justice information,

Acknowledging the importance of the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing-house in the development of the information-sharing capacity of the United Nations Crime Prevention and Criminal Justice Programme undertaken through collaborative efforts of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network,

1. *Urges* Member States, governmental, intergovernmental and non-governmental organizations and the private sector to assist the Secretary-General, in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, in strengthening the technical cooperation capacity of the Programme network by:

(a) Establishing an advisory steering group, administered by the Secretary-General in close coordination with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, including assistance from the administration of the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing-house, drawing upon extrabudgetary resources, which would be responsible for:

(i) Reviewing and assessing, at the request of Member States, their national experiences in the computerization of criminal justice operations and criminal justice information systems;

(ii) Giving advice to the Secretary-General on the establishment of the technical cooperation programme;

(iii) Giving advice to the Secretary-General on the activities of the technical cooperation programme;

(iv) Informing Member States of funds and services that might be available from various donors in the governmental, intergovernmental, non-governmental and private sectors;

(v) Informing such donors of the needs of Member States for assistance;

(vi) Consulting with relevant experts in the field of criminal justice;

(vii) Assisting Member States, at their request, in developing criteria and mechanisms for the establishment of a platform for the exchange of information between distinct entities able to provide information and experience useful for the management of the criminal justice system;

(b) Identifying a standing pool of experts for the practical implementation of technical cooperation activities, in particular, for, *inter alia*:

(i) Assessing needs in both the computerization of criminal justice operations and the development of criminal justice information systems;

(ii) Designing and coordinating training programmes in both the computerization of criminal justice operations and the development of criminal justice information systems;

(iii) Assisting in the design, development and implementation of actual computerization projects;

(iv) Providing other needed expert advice as requested;

(c) Actively participating in the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing-house through:

(i) Adopting the conceptual design of the United Nations On-line Crime and Justice Clearing-house, that builds upon the United Nations Crime and Justice Information Network, as a model for international sharing and dissemination of information and consulting with other participating Member States and United Nations bodies on the information exchange policies, procedures and standards;

(ii) Establishing national points of contact for electronic communications in relevant government agencies;

(iii) Making national public information in the area of crime prevention and criminal justice available on the Internet via linkages with the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing-house;

2. *Requests* the Secretary-General, in concert with experts from interested States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to conduct, using existing resources of the regular budget of the United Nations, a survey of national capacities for the collection of crime statistics, as a supplement to the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, using as a draft guide the form annexed to the present resolution;

3. *Calls on* Member States to contribute to the survey of national capacities by providing the necessary information in a timely manner;

4. *Requests* the Secretary-General to keep the Commission on Crime Prevention and Criminal Justice informed about the progress made;

5. *Calls on* Member States to assist the Secretary-General in funding the establishment of the advisory steering group, identifying the standing pool of experts, and the activities called for in the present resolution.

Annex

FORM FOR THE SURVEY OF NATIONAL CAPACITIES FOR THE COLLECTION OF DATA ON CRIME PREVENTION AND CRIMINAL JUSTICE

COUNTRY .....

AGENCY .....

STATISTICS PRODUCED

1. Does the country have statistics on crimes reported or detected by the law enforcement agencies?

	Yes	No
For all crimes	.....	.....
For some crimes	.....	.....

(a) The statistics include:

National data ..... Regional data ..... Provincial data .....

From all regions Yes No From all provinces Yes No

(b) The statistics include the following:

Breakdown by legal property involved	Yes	No
Breakdown by crime	Yes	No
Breakdown by sex	Yes	No
Breakdown by age	Yes	No
Existence of a link between victim of violent crime and offender	Yes	No
Instances of violence against persons	Yes	No
Instances of violence against property	Yes	No
Use of firearms	Yes	No
Agency receiving the report	Yes	No

(c) The statistics are generated:

Periodically Yes No

At the following intervals: Monthly ..... Quarterly .....

Half-yearly ..... Yearly .....

2. Does the country keep national statistics on crimes committed, including an estimate of the number of unreported crimes? If yes, give a brief description of the method used to calculate the number of unreported crimes.

DESCRIPTION OF THE AGENCY OR AGENCIES RESPONSIBLE FOR DATA COLLECTION

3. Does the country have any national public agency with the task of compiling and preparing statistics? Does it prepare and compile information relating exclusively to crime prevention and criminal justice?

(a) Are the preparation and compilation of statistics on crime prevention and criminal justice the main task of this agency or does it carry out this task merely as a sideline to other, principal activities? If so, what is the principal activity of the agency?

Note: If a number of agencies have this task, provide the information requested below only in respect of the agency whose main function is to compile and prepare statistics.

(b) Does this agency prepare its own statistics or does it collect statistics prepared by other agencies?

(i) If it prepares its own statistics:

a. Does it do so for all crimes or only certain crimes? If so, for which crimes?

b. Does it use the official figures produced by the same type of source for all its investigations or does it use different figures depending on the phenomenon to be investigated?

c. It draws its information from:

Judicial proceedings .....
Police reports .....
Other sources .....

d. Is there a standard procedure for conducting these investigations or does it vary depending on the phenomenon to be investigated?

e. When the scale of the investigation exceeds the agency's operating capacity, does it enter into agreements with other agencies? If yes, does it use private or public agencies?

f. Does it look at the level of unreported crimes as a matter of course? Indicate the procedure used.

g. Are there any legal provisions governing the agency's data collection activity?

(ii) If the agency compiles statistics produced by other agencies:

a. The data are supplied by:

Regional agencies .....
Provincial or State agencies .....
Private agencies .....
Public agencies .....

b. Does it obtain information from a single agency or a number of agencies?

c. Give a brief description of the data collection procedure used by the agency providing the information and of the centralization method developed by the agency dealing with that information.

d. Is the information received subject to any form of control? If so, please describe.

e. Are there any legal provisions that govern the data compilation activity of the centralizing agency? Describe the provisions.

INFRASTRUCTURE OF THE AGENCY

4. How many staff members does the agency permanently employ to compile and prepare crime prevention and criminal justice statistics?

1-5 ..... 6-10 ..... 11-20 .....

21-30 ..... 31-40 ..... 41-50 .....

More than 50 .....

5. Does it have dedicated data-processing equipment for the task? Give a brief description.

6. Does the agency publish the results of its work? How frequently?

Name of the agency: .....

Reporting to: .....

Head of the agency: .....

Address: .....

Telephone: ..... Postal code: .....

OTHER AGENCIES

7. If there are other agencies that are capable of providing statistical information in your country, please give the following details:

Name of the agency: .....

Reporting to: .....

Head of the agency: .....

Address: .....

Telephone: ..... Postal code: .....

Name of the agency: .....

Reporting to: .....

Head of the agency: .....

Address: .....

Telephone: ..... Postal code: .....

DRAFT RESOLUTION III

Elimination of violence against women*

The Economic and Social Council,

Welcoming the proclamation by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, contained in that resolution, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

Reaffirming the Vienna Declaration and Programme of Action,[11] adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and its confirmation that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights, as well as its affirmation that gender-based violence and all forms of sexual harassment and exploitation are incompatible with the dignity and worth of the human person, and must be eliminated,

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*For the discussion, see chapter II.

[11] *Report of the World Conference on Human Rights, Vienna, 14-25 June 1993* (A/CONF.157/24 (Part I)), chap III.

Recognizing that violence against women both violates human rights and fundamental freedoms and impairs or nullifies the enjoyment by women of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms,

Strongly condemning all forms of violence against women as set out in article 2 of the Declaration on the Elimination of Violence against Women,

Recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 34/180 of 18 December 1979, contributes to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women strengthens and complements that process,

Bearing in mind that as stated in article 4 of the Declaration on the Elimination of Violence against Women, States should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to the elimination of violence against women,

Recalling that the General Assembly, in its resolution 48/104, recognized that violence against women was a manifestation of historically unequal power relations between men and women, which had led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women was one of the crucial social mechanisms by which women were forced into a subordinate position compared with men,

Recalling Commission on Human Rights resolutions 1995/85 of 8 March 1995 and 1996/49 of 19 April 1996, on the elimination of violence against women,

Welcoming the adoption by the General Assembly of its resolution 50/166 of 22 December 1995, on the role of the United Nations Development Fund for Women in eliminating violence against women,

Recalling the appointment by the Commission on Human Rights of the Special Rapporteur on violence against women, its causes and consequences, and the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, as outlined in Commission on Human Rights resolution 1996/49,

Also recalling the statement of the Special Rapporteur that pornography is perhaps the extreme manifestation of the media's violence against women,[12]

Commending the Crime Prevention and Criminal Justice Division of the Secretariat for its work on the elimination of violence against women and its ongoing cooperation with the Special Rapporteur,

Welcoming the Beijing Declaration and Platform for Action,[13] adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to

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[12]E/CN.4/1995/42, para. 69.

[13]*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (A/CONF.177/20), chap. I, resolution 1.

15 September 1995, and in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls, including in armed conflict,

Recognizing the need to implement the Beijing Declaration and Platform for Action in the field of crime prevention and criminal justice and to develop practical measures, strategies and activities in that field,

Reaffirming that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide,[14]

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to address the problem of violence against women,

Recognizing that various groups of women, such as women belonging to minority groups, indigenous women, refugee women, women migrants, including women migrant workers, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women, displaced women, repatriated women, women living in poverty and women in situations of armed conflict and other situations of violence, foreign occupation, war of aggression, civil war and terrorism, including hostage-taking, are also particularly vulnerable to violence,

Welcoming the role of non-governmental organizations, women's equality-seeking organizations and community agencies in addressing and working towards the elimination of violence against women, in particular in drawing attention to the nature, severity and magnitude of violence against women and in assisting women who are victims of violence,

1. *Urges* Member States to ensure that all forms of violence against women are, in the absence of existing laws, legislatively proscribed;

2. *Also urges* Member States to review or monitor legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have an adverse or negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

3. *Further urges* Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in areas such as social development, environmental design and educational prevention programmes;

4. *Further urges* Member States to promote an active and visible policy of ensuring that a gender perspective is brought to the development and application of all policies and programmes that address violence against women so that, before decisions are taken, an analysis may be made of their effects on women and men respectively;

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[14]General Assembly resolution 260 A (III), annex, of 9 December 1948.

5. *Further urges* Member States to adopt measures to ensure that acts of violence against women, whether in public or private, are recognized as criminal matters that are, as appropriate, open to public scrutiny and intervention;

6. *Further urges* Member States and international and regional organizations to take all measures required for the protection of women and children from rape, systematic rape, sexual slavery and forced pregnancy in the conduct of armed conflict and to strengthen mechanisms to investigate and punish all those responsible for the perpetration of those crimes and to bring the perpetrators to justice;

7. *Encourages* the Crime Prevention and Criminal Justice Division of the Secretariat and other crime prevention bodies and mechanisms to avail themselves of the information and materials on violence against women, including violence in the family, violence in the community and violence by the State, that are being gathered by Governments and United Nations treaty bodies, other special rapporteurs, specialized agencies, bodies and organs, and intergovernmental and non-governmental organizations, including women's equality-seeking organizations;

8. *Calls upon* the Commission on Crime Prevention and Criminal Justice, through the Crime Prevention and Criminal Justice Division and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to cooperate and to coordinate with all relevant organs, bodies and other entities of the United Nations system their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

9. *Calls upon* the institutes comprising the Programme network to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

10. *Urges* United Nations entities and the institutes comprising the Programme network to continue and to improve training concerning the human rights of women and issues of gender bias and violence against women for all United Nations personnel and officials, especially those in human rights and humanitarian relief, peace-keeping and peacemaking activities, and to promote their understanding of the human rights of women so that they can recognize and deal with violations of the human rights of women and can fully take into account the gender aspect of their work;

11. *Requests* the Commission on Crime Prevention and Criminal Justice to ensure that *Strategies for Confronting Domestic Violence: A Resource Manual*,[15] which has been published in English, is published in the other official languages of the United Nations, subject to the availability of regular budgetary or extrabudgetary funds;

12. *Calls upon* Governments, international organizations and non-governmental organizations, as appropriate, to translate *Strategies for Confronting Domestic Violence: A Resource Manual* and to ensure its wide dissemination for use in training and education programmes;

13. *Welcomes* the report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women,[16] commends the work of the institutes

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[15]ST/CSDHA/20.

[16]E/CN.15/1996/12 and Corr.1.

comprising the United Nations Crime Prevention and Criminal Justice Programme network in undertaking practical measures to eliminate violence against women and urges them to continue their work on this issue;

14. *Welcomes* the report of the Secretary-General on the draft plan of action on the elimination of violence against women,[17] and notes the revised document produced by the Commission on Crime Prevention and Criminal Justice at its fifth session, entitled "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women";[18]

15. *Requests* the Secretary-General to seek the views of Member States, institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and intergovernmental and non-governmental organizations on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women and, taking into account the views received, to submit a report containing the text of the draft practical measures, strategies and activities, as well as a report on the views received, to the Commission on Crime Prevention and Criminal Justice at its sixth session so that it may be discussed by the open-ended in-sessional working group of the Commission;

16. *Calls upon* Member States, in providing the views as noted in paragraph 15 above, to include the multidisciplinary views of their ministries, departments and agencies that have responsibilities related to the elimination of violence against women;

17. *Decides* that the Commission on Crime Prevention and Criminal Justice should continue to consider the elimination of violence against women within its priority themes and that the Commission should consider, at its sixth session, the reports of the Secretary-General referred to in paragraph 15 above and the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women.

DRAFT RESOLUTION IV

Measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences*

The Economic and Social Council,

Considering that illicit international trafficking in children is a criminal activity of increasing concern to the international community and a violation of the Convention on the Rights of the Child,[19] article 35,

Aware that this activity is often conducted by criminal organizations with transnational links, principally in developing countries,

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*For the discussion, see chapter II.

[17]E/CN.15/1996/11 and Corr.1.

[18]E/CN.15/1996/CRP.12.

[19]General Assembly resolution 44/25, annex, of 20 November 1989.

Taking note of resolution 3/2 of the Commission on Crime Prevention and Criminal Justice, in which the Commission decided that it should consider, at its fourth session, the question of illicit international traffic in children in the context of its discussion on organized transnational crime,

Recalling that the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, at which this subject received priority attention, adopted its resolution 7,[20] in which it invited the Commission to initiate the process of requesting the views of States regarding the process of elaborating an international convention on the illicit traffic in children, which might embody necessary elements to efficiently combat that form of transnational organized crime,

Recalling also its resolution 1995/27, section IV, of 24 July 1995, in which it requested the Secretary-General to initiate the process of requesting the views of Member States on the elaboration of such an international convention,

Aware that it is necessary, in order to deal more rationally and effectively with the illicit international traffic in children and to effectively coordinate activities across the United Nations system and among other relevant international organizations, to establish a global framework for analysis of such transnational criminal activity and for coordinating appropriate measures to prevent this scourge and to punish the offenders,

Welcoming the initiative of States of Latin America and the Caribbean that took part in the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995, with regard to the illicit international traffic in children,

Welcoming also the initiative of convening the World Congress against Commercial Sexual Exploitation of Children, to be held at Stockholm from 26 to 31 August 1996, which has among its key themes the issue of illicit traffic in children,

Aware also that it is necessary to adopt practical measures to combat this form of organized transnational crime,

1. *Takes note* of the report of the Secretary-General on children as victims and perpetrators of crime, in particular, the views of Governments on the elaboration of an international convention on the illicit traffic in children and the proposals contained in that report;[21]

2. *Invites* interested Governments fighting illicit trafficking in children to collect, wherever possible, data and other information on the problem in accordance with national legislation, and to furnish that information to the Commission on Crime Prevention and Criminal Justice;

3. *Requests* Member States to provide information on current legal provisions and administrative rules applicable to the prevention and punishment of illicit trafficking in children, and on the misuse of

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[20] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I. The report will subsequently be issued as a United Nations sales publication.

[21] E/CN.15/1996/10, paras. 10-26 and 46.

international adoption agencies by criminal organizations involved in illicit trafficking in children that may have been uncovered by the relevant authorities;

4. *Invites* Governments to adopt the necessary measures in accordance with their legislation to ensure that all persons involved in illicit trafficking in children are subject to prosecution in a manner commensurate with the seriousness of the crime;

5. *Invites* the Crime Prevention and Criminal Justice Division of the Secretariat to cooperate closely with the Centre for Human Rights of the Secretariat;

6. *Invites* the Crime Prevention and Criminal Justice Division to work and cooperate closely with the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, taking into account her role in the inter-sessional open-ended working group for the elaboration of a draft protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

7. *Decides* that the Commission on Crime Prevention and Criminal Justice should include in the provisional agenda for its sixth session an item on the possible elaboration of a legally binding international instrument or instruments on the illicit traffic in children;

8. *Requests* the Secretary-General to continue to gather the opinions of Governments on the elaboration of an international convention or conventions on the illicit traffic in children, and their suggestions on possible elements to be included in the text of a future binding instrument or instruments on that subject;

9. *Also requests* the Secretary-General to conduct a survey, on the basis of existing international conventions, analysing the extent to which children are protected from becoming victims of illicit international trafficking, taking into account both substantive and procedural aspects of providing such protection, and to compile and analyse the data collected;

10. *Further requests* the Secretary-General to prepare a report on the results of the survey mentioned in paragraph 9 above, to be submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session;

11. *Further requests* the Secretary-General to ensure that United Nations system-wide activity on this and related issues is effectively coordinated.

DRAFT RESOLUTION V

Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime*

The Economic and Social Council,

Recalling General Assembly resolution 49/159 of 23 December 1994, in which the Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime[22] and urged States to implement them as a matter of urgency,

Recalling also its resolution 1995/11 of 24 July 1995, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime,

Recalling further its resolution 1994/13 of 25 July 1994, on the control of the proceeds of crime,

Welcoming Commission on Narcotic Drugs resolution 5 (XXXIX),

Emphasizing the need for strengthened and improved international cooperation at all levels and for more effective technical cooperation to assist States in their fight against organized transnational crime,

Aware that criminal organizations vary in size, scale, bonding mechanisms, their range of activities, their geographical scope, their relationship with power structures, their internal organizations and structures and the combination of instruments that they use both to promote their criminal enterprises and to protect themselves against law enforcement efforts,

Recalling that, while not constituting a legal or comprehensive definition of the phenomenon, organized transnational crime characteristically uses group organization to commit crime, has hierarchical links or personal relationships that permit leaders to control the group, uses violence, intimidation and corruption to earn profit or control territories or markets, launders illicit proceeds both to further criminal activity and to infiltrate the legitimate economy, has the potential to expand into new activities and beyond national borders and cooperates with other organized transnational criminal groups,

Convinced that a structured programme of activities is essential to the full implementation of the Naples Political Declaration and Global Action Plan,

1. *Takes note* of the report of the Secretary-General, submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;[23]

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*For the discussion, see chapter II.

[22] A/49/748, annex, chap. I, sect. A.

[23] E/CN.15/1996/2.

2. *Takes note also* of the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime,[24] adopted by the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995;

3. *Takes note further* of the report of the Secretary-General submitted to the Commission on Crime Prevention and Criminal Justice at its fifth session, on control of the proceeds of crime;[25]

4. *Requests* the Secretary-General, taking into account work done in other international forums, to assist in the implementation of the Naples Political Declaration and Global Action Plan to meet the needs of Member States for:

(a) Increased knowledge on the structure and dynamics of organized transnational crime in all its forms, as well as trends in its development, areas of activity and diversification;

(b) Reviewing existing international instruments and exploring the possibility of elaborating new ones to strengthen and improve international cooperation against organized transnational crime, taking into account the growing dangers of links between organized transnational crime and terrorist crimes;

(c) Intensified technical assistance in the form of advisory services and training;

5. *Requests* the Secretary-General to continue collecting and analysing information on the structure, dynamics and other aspects of all forms of organized transnational crime throughout the world;

6. *Also requests* the Secretary-General, while avoiding duplication with the work of the United Nations International Drug Control Programme, to establish a central repository for:

(a) National legislation, including regulatory measures, on organized transnational crime;

(b) Information on organizational structures designed to combat organized transnational crime;

(c) Instruments for international cooperation, including bilateral and multilateral treaties and legislation to ensure their implementation, with a view to making them available to requesting Member States;

7. *Urges* Member States, other entities of the United Nations system, as well as relevant intergovernmental and non-governmental organizations, to assist the Secretary-General in implementing the request contained in paragraphs 4, 5 and 6 above by providing and regularly updating relevant information and legislative and regulatory texts;

8. *Requests* the Secretary-General to continue his consultations with Governments on the possibility of elaborating a convention or conventions, including a code of conduct or other instrument, against organized transnational crime and on the elements that could be included therein;

9. *Also requests* the Secretary-General, drawing on the expertise of Governments:

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[24]E/CN.15/1996/2/Add.1, annex.

[25]E/CN.15/1996/3.

(a) To make a thorough analysis of the views of Governments on the possibility of elaborating a convention or conventions, including a code of conduct or other instrument, against organized transnational crime, taking into account, *inter alia*, the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime;

(b) To make proposals on the action that would be appropriate;

(c) To make proposals for the undertaking of practical activities by States to implement the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

(d) To report thereon to the Commission on Crime Prevention and Criminal Justice at its sixth session;

10. *Decides* to establish an in-sessional working group at its sixth session for the purpose of:

(a) Considering the report and proposals of the Secretary-General;

(b) Identifying practical activities for effectively implementing the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

(c) Considering the possibility of elaborating a convention or conventions against organized transnational crime and identifying elements that could be included therein;

11. *Also requests* the Secretary-General to provide advisory services and technical assistance to requesting Member States in needs assessment, capacity building and training, as well as in the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

12. *Further requests* the Secretary-General, for the purpose of providing the assistance referred to in paragraph 11 above, to develop training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime, taking into account differences in legal systems;

13. *Stresses* the importance of the activities carried out by the United Nations to strengthen international efforts against money-laundering, including, where possible, money-laundering involving the proceeds of serious crimes other than drug-related crimes and, for this purpose, requests the Secretary-General to increase and intensify cooperation between the Crime Prevention and Criminal Justice Division of the Secretariat and the United Nations International Drug Control Programme and to continue to work with the Financial Action Task Force and other relevant multilateral and regional institutions against money-laundering;

14. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on the implementation of the present resolution.

DRAFT RESOLUTION VI

Follow-up action on firearms regulation for the purpose of crime prevention and public safety*

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[26]

Recalling also its resolution 1995/27 of 24 July 1995,

Recalling further General Assembly resolution 50/145 of 21 December 1995,

Mindful of the need for effective implementation of those resolutions,

Taking note with satisfaction of the report of the Secretary-General on measures to regulate firearms,[27]

1. *Welcomes* the progress made by the Secretary-General in undertaking the study on regulating firearms in response to its resolution 1995/27, section IV.A, drawing upon the work of an advisory group;

2. *Endorses* the questionnaire and guidelines[28] for the preparation of the survey and country reports on firearms regulation issues presented by the Secretary-General;

3. *Reiterates* its request for the Secretary-General to collect information and consult with Member States on the implementation of national measures to regulate firearms in accordance with its resolution 1995/27, section IV, paragraph 10;

4. *Requests* the Secretary-General to collect information and consult with Member States, as appropriate, on the basis of the above-mentioned questionnaire and guidelines, and to analyse the information obtained in order to contribute to the preparation of additional survey and country reports as requested in paragraph 3 above;

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*For the discussion, see chapter III.

[26] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I. The report will subsequently be issued as a United Nations sales publication.

[27] E/CN.15/1996/14.

[28] E/CN.15/1996/CRP.5.

5. *Approves* the work plan established on the basis of the proposals presented by the representative of the Secretary-General to the Commission on Crime Prevention and Criminal Justice at its fifth session and requests the Secretary-General to pursue his study in accordance with the work plan;[29]

6. *Invites* again all United Nations organs, bodies and specialized agencies and intergovernmental and other organizations active in the field of regulating firearms to provide the Secretary-General with views and proposals on their possible contributions towards the full implementation of resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

7. *Requests* the Secretary-General to submit the report and the recommendations requested in its resolution 1995/27, section IV, paragraph 12, to the Commission on Crime Prevention and Criminal Justice at its sixth session;

8. *Decides* that the Commission on Crime Prevention and Criminal Justice should include in its agenda for its sixth session an item entitled "Measures to regulate firearms".

DRAFT RESOLUTION VII

Administration of juvenile justice*

The Economic and Social Council,

Aware of the specific situation of children and juveniles, in particular when deprived of their liberty, and concerned at the severity with which they are used as instruments in criminal activities,

Emphasizing the importance of coordinating the activities in the field of the administration of justice carried out under the responsibility of the Commission on Crime Prevention and Criminal Justice with those under the responsibility of the Commission on Human Rights,

Recalling resolution 7 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on children as victims and perpetrators of crime and the United Nations criminal justice programme: from standard setting towards implementation and action, and its resolution 1995/27 of 24 July 1995,

Recalling also General Assembly resolution 50/181 of 22 December 1995, on human rights in the administration of justice,

Recalling further Commission on Human Rights resolution 1996/32 of 19 April 1996, on human rights in the administration of justice, in particular of children and juveniles in detention,

Noting that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it includes in its conclusions on reports of States parties

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*For the discussion, see chapter VI.

[29]See *Official Records of the Economic and Social Council, 1996, Supplement No. 10* (E/1996/30), chap. III, paras. 73 and 74.

concrete recommendations concerning the provisions of advisory services and technical cooperation in this field,

Having considered the report of the Secretary-General on children as victims and perpetrators of crime,[30]

1. *Welcomes* the progress made with regard to elaborating a programme of action to promote the effective use and application of international standards and norms in juvenile justice;

2. *Recognizes* the need to further strengthen international cooperation and practical technical assistance in the field of juvenile justice;

3. *Calls upon* Governments once again to make effective use and application of international standards in the administration of justice and, to that end, to provide for effective legislative and other mechanisms and procedures;

4. *Encourages* States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructure in the field of the administration of justice;

5. *Calls upon* Governments to include in their national development plans the administration of justice as an integral part of the development process and, to that end, to allocate adequate resources for improving the administration of juvenile justice, as well as to make use of technical assistance offered, at their request, by the United Nations programmes of technical cooperation in this field;

6. *Requests* the United Nations High Commissioner for Human Rights, as well as relevant United Nations bodies and programmes, to consider favourably requests by States for assistance in the field of administration of justice;

7. *Invites* the Secretary-General, the United Nations Children's Fund, the United Nations Development Programme and the World Bank, as well as other international and regional organizations and non-governmental organizations, to place emphasis on technical assistance projects in the field of juvenile justice;

8. *Invites* the Secretary-General to strengthen system-wide coordination of technical assistance projects in the field of juvenile delinquency prevention and the establishment or improvement of juvenile justice systems;

9. *Also requests* the United Nations High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice and, in close cooperation with the Crime Prevention and Criminal Justice Division of the Secretariat, the United Nations Children's Fund and the Committee on the Rights of the Child, to develop strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice;

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[30]E/CN.15/1996/10.

10. *Requests* the Secretary-General to organize, in cooperation with the Austrian Government, a meeting of an expert group on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, using extrabudgetary resources made available by the Government expressly for that purpose;

11. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its sixth session on the implementation of the present resolution;

12. *Decides* that the Commission on Crime Prevention and Criminal Justice as its sixth session should consider the draft programme of action on juvenile justice.

DRAFT RESOLUTION VIII

Use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*

The Economic and Social Council,

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted, on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also its resolution 1995/27, section IV, paragraph 32, of 24 July 1995, in which it requested the Secretary-General to seek the views of Member States and relevant organizations on the advisability of preparing a manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

Noting with appreciation the deliberations and work of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995, and its recommendations,[31]

Noting the usefulness of the manuals already published and disseminated by the United Nations Crime Prevention and Criminal Justice Programme,

1. *Recognizes* the desirability of preparing a draft manual or draft manuals on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power for submission to the Commission on Crime Prevention and Criminal Justice at its sixth session for consideration, on the understanding that the Secretary-General will seek the views of Member States on the draft manual or draft manuals and will report on those views to the Commission at its seventh session;

2. *Recommends* that this work should be undertaken, taking into account the different legal systems and practices of each State, by expert group meetings to be convened with extrabudgetary funds in cooperation with the institutes comprising the United Nations Crime Prevention and Criminal Justice

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*For the discussion, see chapter VI.

[31]E/CN.15/1996/16/Add.5 and E/CN.15/1996/CRP.1.

Programme network, the World Society of Victimology and other entities, and with the support of the Secretary-General;

3. *Welcomes* the offers by the Governments of the Netherlands and the United States of America to host the expert group meetings;

4. *Recommends* that the expert group meetings explore the feasibility of establishing a database on promising practices and legislation on victim-related issues, as a supplement to the manual or manuals;

5. *Decides* that the use and application of the Declaration should be considered by the Commission on Crime Prevention and Criminal Justice as a topic under an appropriate agenda item;

6. *Requests* the Secretary-General to bring to the attention of the Preparatory Committee for the Establishment of an International Criminal Court the potential applicability of the basic principles, contained in the Declaration.

DRAFT RESOLUTION IX

Safeguards guaranteeing protection of the rights of those facing the death penalty*

The Economic and Social Council,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 and Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1990/51 of 24 July 1990 and 1995/57 of 28 July 1995,

Recalling also article 6 of the International Covenant on Civil and Political Rights,[32]

Recalling further the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to its resolution 1984/50 of 25 May 1984, and its resolution 1989/64 of 24 May 1989, on the implementation of the safeguards,

Taking note of the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty,[33]

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, set forth in the annex to its resolution 1989/65 of 24 May 1989 and endorsed by the General Assembly in its resolution 44/162 of 15 December 1989, and taking note of the recommendations

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*For the discussion, see chapter VI.

[32]General Assembly resolution 2200 A (XXI), annex, of 16 December 1966.

[33]E/CN.15/1996/19.

of the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the death penalty contained in his report[34] to the Commission on Human Rights at its fifty-second session,

Taking note of Security Council resolutions 827 (1993) of 25 May 1993, in which the Security Council decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and to adopt the Statute of the International Tribunal annexed to the report of the Secretary-General[35] pursuant to paragraph 2 of Security Council resolution 808 (1993),

Taking note also of Security Council resolution 955 (1994) of 8 November 1994, in which the Security Council decided to establish the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and to adopt the Statute of the International Tribunal for Rwanda, annexed to that resolution,

1. *Notes* that, during the period covered by the report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, an increasing number of countries abolished the death penalty and others followed a policy of reducing the number of capital offences, declaring that they had not sentenced any offender to that penalty, while still others retained it and a few reintroduced it;

2. *Calls upon* Member States in which the death penalty has not been abolished to effectively apply the safeguards guaranteeing protection of the rights of those facing the death penalty, in which it is stated that capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences;

3. *Encourages* Member States in which the death penalty has not been abolished to ensure that each defendant facing a possible death sentence is given all guarantees for a fair trial, as reflected in article 14 of the International Covenant on Civil and Political Rights,[36] and bearing in mind the Basic Principles on the Independence of the Judiciary,[37] Basic Principles on the Role of Lawyers,[38] the Guidelines on the Role of

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[34]E/CN.4/1996/4.

[35]S/25704.

[36]General Assembly resolution 2200 A (XXI), annex, of 16 December 1966.

[37]*Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[38]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.1), chap. I, sect. B.3, annex.

Prosecutors,[39] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[40] and the Standard Minimum Rules for the Treatment of Prisoners;[41]

4. *Also encourages* Member States in which the death penalty has not been abolished to ensure that defendants who do not sufficiently understand the language used in court are fully informed, by way of interpretation or translation, of all the charges against them and the content of the relevant evidence deliberated in court;

5. *Calls upon* Member States in which the death penalty may be carried out to allow adequate time for the preparation of appeals to a court of higher jurisdiction and for the completion of appeal proceedings, as well as petitions for clemency, in order to effectively apply rules 5 and 8 of the safeguards guaranteeing protection of the rights of those facing the death penalty;

6. *Also calls upon* Member States in which the death penalty may be carried out to ensure that officials involved in decisions to carry out an execution are fully informed of the status of appeals and petitions for clemency of the prisoner in question;

7. *Urges* Member States in which the death penalty may be carried out to effectively apply the Standard Minimum Rules for the Treatment of Prisoners, in order to keep to a minimum the suffering of prisoners under sentence of death and to avoid any exacerbation of such suffering.

DRAFT RESOLUTION X

United Nations standards and norms in crime prevention and criminal justice*

The Economic and Social Council,

Reaffirming the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice,

Underlining the need for further coordination and concerted action in translating those standards and norms into practice,

Recalling its resolutions 1993/34, section III, of 27 July 1993, in which it requested the Secretary-General to commence a process of information-gathering to be undertaken by means of surveys, such as

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*For the discussion, see chapter VI.

[39]Ibid., sect. C.26.

[40]General Assembly resolution 43/173, annex, of 9 December 1988.

[41]*First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.

reporting systems, and contributions from other sources, including intergovernmental as well as non-governmental organizations and institutes,

Recalling also its resolution 1994/18 of 25 July 1994,

Recalling further its resolution 1995/13 of 24 July 1995, in which it requested the Secretary-General to develop questionnaires on the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[42] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[43] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,[44] to be considered by the Commission on Crime Prevention and Criminal Justice at its fifth session, with a view to requesting the Secretary-General to submit a report on the replies to the Commission at a subsequent session,

1. *Invites* Governments to ensure the promotion and widest possible dissemination of United Nations standards and norms in crime prevention and criminal justice and to publish the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[45] in the languages of their countries;

2. *Requests* the Secretary-General, subject to the availability of extrabudgetary funds, to ensure the reprinting of the *Compendium* in sufficient numbers in all official languages of the United Nations;

3. *Reaffirms* the important role of the United Nations network of institutes and intergovernmental as well as non-governmental organizations in contributing to the effective use and application of United Nations standards and norms in crime prevention and criminal justice;

4. *Requests* the Secretary-General to widely disseminate, via the World Wide Web database facility of the United Nations Crime and Justice Information Network, the texts of the Standard Minimum Rules for the Treatment of Prisoners,[46] the Code of Conduct for Law Enforcement Officials,[47] together with the Basic Principles for the Use of Force and Firearms by Law Enforcement Officials,[48] the Declaration of Basic

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[42]General Assembly resolution 40/33, annex, of 29 November 1985.

[43]General Assembly resolution 45/112, annex, of 14 December 1990.

[44]General Assembly resolution 45/113, annex, of 14 December 1990.

[45]United Nations publication, Sales No. E.92.IV.1 and corrigendum.

[46]*First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

[47]General Assembly resolution 34/169, annex, of 17 December 1979.

[48]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

Principles of Justice for Victims of Crime and Abuse of Power[49] and the Basic Principles on the Independence of the Judiciary,[50] as well as the reports of the Secretary-General on the use and application of those United Nations standards in crime prevention and criminal justice,[51] and to make the information on which the reports are based available upon request;

5. *Urges* Governments that have not yet replied to the questionnaires on the four standards in crime prevention and criminal justice to submit their replies to the Secretary-General as soon as possible, with a view to enabling him to make the database more comprehensive;

6. *Requests* the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its seventh session a report on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),[42] the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)[43] and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;[44]

7. *Also requests* the Secretary-General to prepare a report, incorporating comments sought from Governments, on the desirability of establishing an inter-sessional working group to examine the reports on the use and application of United Nations standards and norms in crime prevention and criminal justice in more detail, as well as the information on which the reports were based, and to recommend to the Commission on Crime Prevention and Criminal Justice possible further action to assist Member States in translating those instruments into practice;

8. *Decides* that the Commission on Crime Prevention and Criminal Justice should consider the report of the Secretary-General on the desirability of establishing an inter-sessional working group at its sixth session;

9. *Requests* the Secretary-General to continue to promote the use and application of United Nations standards and norms in crime prevention and criminal justice, *inter alia*, by providing advisory services and technical cooperation to Member States on request, including assistance to Member States in criminal justice and law reform, organization of training for law enforcement and criminal justice personnel and support to the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

10. *Also requests* the Secretary-General to continue to coordinate the activities related to the use and application of standards and norms between the Crime Prevention and Criminal Justice Division of the Secretariat and other relevant United Nations entities, such as the Office of the United Nations High Commissioner for Human Rights and the United Nations International Drug Control Programme, in order to heighten their efficacy and avoid overlapping in the implementation of their programmes.

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[49]General Assembly resolution 40/34, annex, of 29 November 1985.

[50]*Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[51]E/CN.15/1996/16/Add.1-4.

C. Draft decisions for adoption by the Economic and Social Council

3. The Commission also recommended to the Economic and Social Council the adoption of the following draft decisions:

DRAFT DECISION I

Organization of work for the sixth session of the Commission on Crime Prevention and Criminal Justice*

The Economic and Social Council decides that the Commission on Crime Prevention and Criminal Justice at its sixth session, in addition to plenary meetings, should be provided with full interpretation services for a total of 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meetings to be determined by the Commission at its sixth session under its agenda item entitled "Adoption of the agenda and organization of work". This decision is taken on the understanding that no more than two meetings will be held concurrently, in order to ensure maximum participation of delegations.

DRAFT DECISION II

Report of the Commission on Crime Prevention and Criminal Justice on its fifth session and provisional agenda and documentation for the sixth session of the Commission*

The Economic and Social Council,

(a) Takes note of the report of the Commission on Crime Prevention and Criminal Justice on its fifth session;

(b) Approves the provisional agenda and documentation for the sixth session of the Commission set out below.

PROVISIONAL AGENDA AND DOCUMENTATION FOR THE SIXTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

1. Election of officers.

(Legislative authority: rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council and Commission decision 1/101)

2. Adoption of the agenda and organization of work.

(Legislative authority: Economic and Social Council resolution 1992/1; and rules 5 and 7 of the rules of procedure of the functional commissions of the Economic and Social Council)

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*For the discussion, see chapter IX.

3. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

Documentation

Report of the Secretary-General on the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

(Legislative authority: General Assembly resolutions 415 (V) and 46/152; and Commission resolution 5/1, para. 3)

4. Promotion and maintenance of the rule of law and good governance: action against corruption.

Documentation

Report of the Secretary-General on action against corruption

(Legislative authority: Economic and Social Council resolution 1995/14, para. 11; and draft resolution E/CN.15/1996/L.12/Rev.1, para. 5)

5. Criminal justice reform and strengthening of legal institutions:

(a) Measures to regulate firearms;

Documentation

Report of the Secretary-General on measures to regulate firearms

(Legislative authority: Economic and Social Council resolution 1995/27, section IV, para. 12; and draft resolution E/CN.15/1996/L.13, para. 7)

(b) International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information.

Documentation

Note by the Secretariat on progress made in the survey of national capacities for the collection of crime statistics, as a supplement to the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems

(Legislative authority: draft resolution E/CN.15/1996/L.7, para. 4)

6. International cooperation in combating transnational crime:

(a) Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

Documentation

Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

(Legislative authority: draft resolution E/CN.15/1996/L.11, paras. 10 and 14)

(b) Extradition and international cooperation in criminal matters;

Documentation

Report of the Secretary-General on extradition and international cooperation in criminal matters

(Legislative authority: Economic and Social Council resolution 1995/27, section I, paras. 5-7)

(c) Smuggling of illegal migrants;

Documentation

Report of the Secretary-General on measures to combat the smuggling of illegal migrants

(Legislative authority: General Assembly resolution 48/102; and Economic and Social Council resolutions 1994/14 and 1995/10)

(d) Illicit trafficking in motor vehicles;

Documentation

Report of the Secretary-General on the views of Governments and relevant organizations on measures for the prevention and suppression of illicit trafficking in motor vehicles

(Legislative authority: Economic and Social Council resolution 1995/27, section II, para.1)

(e) The role of criminal law in the protection of the environment.

Documentation

Report of the Secretary-General on the role of criminal law in the protection of the environment

(Legislative authority: draft resolution E/CN.15/1996/L.4, para. 9)

7. Strategies for crime prevention and control, particularly in urban areas and in the context of public security

(a) Elimination of violence against women;

Documentation

Report of the Secretary-General on the results of the multidisciplinary consultations and views received on the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women

(Legislative authority: draft resolution E/CN.15/1996/L.10, paras. 15 and 17)

Report of the Secretary-General on the proposed text of the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women

(Legislative authority: draft resolution E/CN.15/1996/L.10, paras. 7, 15 and 17)

(b) Measures to prevent illicit trafficking in children.

Documentation

Report of the Secretary-General on measures to prevent illicit trafficking in children

(Legislative authority: draft resolution E/CN.15/1996/L.8/Rev.1, para. 10)

8. Use and application of United Nations standards and norms in crime prevention and criminal justice.

Documentation

Report of the Secretary-General on the administration of juvenile justice

(Legislative authority: draft resolution E/CN.15/1996/L.9, para. 11)

Report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice

(Legislative authority: draft resolution E/CN.15/1996/L.15/Rev.1, paras. 7 and 8)

Report of the Secretary-General on the development of United Nations minimum rules for the administration of criminal justice

(Legislative authority: Commission decision 5/101)

Report of the Secretary-General on the use and application of Basic Principles of Justice for Victims of Crime and Abuse of Power

(Legislative authority: draft resolution E/CN.15/1996/L.16/Rev.1, para.1)

9. Technical cooperation, including resource mobilization, and coordination of activities:

(a) Technical cooperation;

Documentation

Report of the Secretary-General on technical cooperation and coordination of activities

(Legislative authority: Economic and Social Council resolution 1992/22, section VII, para. 2; and Commission resolution 5/2)

(b) Resource mobilization;

Documentation

Report of the Secretary-General on resource mobilization and funding of technical assistance in the field of crime prevention and criminal justice

(Legislative authority: Economic and Social Council resolution 1992/22, section VII, para. 2; and Commission resolution 5/2, para. 17)

(c) Cooperation with other United Nations bodies and other entities.

Documentation

Report of the Secretary-General on the activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network

(Legislative authority: Economic and Social Council resolution 1992/22, section IV, para. 2)

10. Strategic management and programme questions:

(a) Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme;

Documentation

Report of the Secretary-General on strategic management

(Legislative authority: Commission resolutions 4/3, para. 3, and 5/3)

(b) Programme questions.

Documentation

Note by the Secretary-General on the draft programme budget for the biennium 1998-1999

11. Provisional agenda for the seventh session of the Commission.

12. Adoption of the report of the Commission on its sixth session.

D. Matters brought to the attention of the Economic and Social Council

4. The attention of the Council is drawn to the following resolutions adopted by the Commission:

Resolution 5/1. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders*

The Commission on Crime Prevention and Criminal Justice,

Having considered the report of the Secretary-General on proposals for the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[52]

Expressing its appreciation to all States that have submitted their views on the theme of the Tenth Congress, its format, agenda items and workshop topics,

1. *Invites* all States that have not yet done so to respond by 15 December 1996 to the Secretary-General's request for their views on the theme, agenda items, workshop topics and possible venue of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

2. *Requests* the Secretary-General to invite also the views of relevant agencies and programmes of the United Nations system and other relevant intergovernmental and non-governmental organizations;

3. *Also requests* the Secretary-General to summarize the views received concerning the proposals for the theme, format, agenda items, workshop topics and possible venue of the Tenth Congress for consideration by the Commission on Crime Prevention and Criminal Justice at its sixth session.

Resolution 5/2. Technical cooperation and interregional advisory services in crime prevention and criminal justice**

The Commission on Crime Prevention and Criminal Justice,

Recalling Economic and Social Council resolution 1995/15 of 24 July 1995, on technical cooperation and interregional advisory services in crime prevention and criminal justice,

Recalling also Economic and Social Council resolution 1995/27 of 24 July 1995, on the implementation of the resolutions and recommendations of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling further General Assembly resolution 50/146 of 21 December 1995, on strengthening the United Nations Crime Prevention and Criminal Justice Programme, particularly its technical cooperation capacity,

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*For the discussion, see chapter IV.

**For the discussion, see chapter V.

[52]E/CN.15/1996/15.

Recognizing the direct relevance of crime prevention and criminal justice to sustained development, stability, security, improved quality of life, democracy and human rights,

Bearing in mind the pressing need to increase technical cooperation activities to assist countries, particularly least developed countries, developing countries and countries with economies in transition, in their efforts to translate United Nations policy guidelines into practice, including training and upgrading of national capacities,

Emphasizing the relevance of technical assistance in the field of crime prevention and criminal justice to countries undergoing reconstruction after a situation of armed conflict or internal disturbance, with the consent of the Government concerned,

Convinced of the need for the Crime Prevention and Criminal Justice Division of the Secretariat to assume the functions of a focal point and clearing-house for inter-agency coordination in crime prevention and criminal justice with other entities of the United Nations system,

Noting the continued increase in the requests for technical assistance forwarded to the Crime Prevention and Criminal Justice Division,

Emphasizing the importance of coordinating the activities in the field of technical cooperation carried out under its responsibility with those under the responsibility of the Commission on Narcotic Drugs, particularly as related to problems faced by States most affected by drug-related crimes, as well as those under the responsibility of the Commission on Human Rights,

1. *Takes note with appreciation* of the report of the Secretary-General on technical cooperation and advisory services of the United Nations Crime Prevention and Criminal Justice Programme;[53]

2. *Reaffirms* the high priority attached to technical cooperation and advisory services as a means for the United Nations Crime Prevention and Criminal Justice Programme to respond to the needs of the international community in the face of both national and transnational criminality and to assist Member States in achieving the goals of preventing crime and improving the response to crime, in accordance with General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations Crime Prevention and Criminal Justice Programme;

3. *Reaffirms also* the importance of continuing to improve and strengthen the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, particularly in developing countries and countries with economies in transition, in order to meet the needs of Member States by undertaking advisory services and training programmes, by carrying out field studies at the regional, subregional, national and local levels, also drawing upon extrabudgetary contributions, by developing comprehensive strategic plans for technical cooperation and by preparing model assistance projects;

4. *Commends* the contribution of the United Nations Crime Prevention and Criminal Justice Programme to United Nations peace-keeping and special missions, as well as its contribution to the follow-up to those missions, and requests the Secretary-General, subject to the availability of extrabudgetary resources, to develop further training material for peace-keeping police, pursuant to Economic and Social Council resolution 1993/34, section II, of 27 July 1993;

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[53] E/CN.15/1996/8 and Corr.1.

5. *Invites* developing countries and countries with economies in transition to include in their requests to the United Nations Development Programme for assistance, also as part of the country programme framework of the United Nations Development Programme, projects and/or elements on crime prevention and criminal justice, with a view to upgrading national institutional capacity and professional expertise in that field;

6. *Calls upon* the Department for Development Support and Management Services of the Secretariat, the Centre for Human Rights of the Secretariat, the United Nations Development Programme, the World Bank and other international, regional and national funding agencies to support technical cooperation activities devoted to crime prevention and criminal justice, also as part of current programmes in the field of good governance and institution-building, utilizing the expertise of the United Nations Crime Prevention and Criminal Justice Programme and taking advantage of the coordinating role of the Commission on Crime Prevention and Criminal Justice;

7. *Requests* the Secretary-General to continue to strengthen the cooperation between the Crime Prevention and Criminal Justice Division of the Secretariat and the United Nations International Drug Control Programme, including the undertaking of joint initiatives, particularly the formulation and implementation of technical assistance projects, as well as to consider the establishment of a joint unit for providing technical assistance regarding the control of proceeds of crime, including the prevention of money-laundering, in a manner so as not to duplicate efforts in other international forums;

8. *Invites* all relevant international, intergovernmental and non-governmental organizations to continue cooperating with the United Nations Crime Prevention and Criminal Justice Programme in support of its operational and technical activities;

9. *Calls upon* Member States to strengthen technical assistance and cooperation at the regional level, also by making use of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, and to further increase their role and capacity;

10. *Requests* the Secretary-General to make increased use of the United Nations Crime and Justice Information Network as a tool for technical cooperation, particularly as related to the dissemination of crime statistics, United Nations standards and norms in criminal justice, and the establishment of discussion forums on relevant items;

11. *Welcomes* General Assembly resolution 50/214 of 23 December 1995, in which the Assembly approved the proposed programme budget for the biennium 1996-1997, providing in section 20 funds for maintaining two posts of interregional advisers for crime prevention and criminal justice, and recommends that the Secretary-General should further strengthen the interregional advisory services to support technical assistance activities, including short-term advisory services, needs assessment, feasibility studies, field projects, training and fellowships;

12. *Calls upon* Member States to provide both general-purpose and earmarked contributions to the United Nations Crime Prevention and Criminal Justice Fund;

13. *Expresses its appreciation* to those Member States that contribute to the activities of the United Nations Crime Prevention and Criminal Justice Programme by providing the services of associate experts, of consultants and of experts for training purposes, advisory missions and the implementation of technical assistance projects, by developing training manuals and other material, by offering fellowship opportunities

and by hosting action-oriented workshops and expert group meetings and urges other States to do so to the extent possible;

14. *Invites* Member States to take into consideration the project proposals for technical assistance elaborated by the Crime Prevention and Criminal Justice Division for possible funding;

15. *Requests* the Secretary-General to explore with Member States the establishment of a mechanism for resource mobilization and coordination of activities in the area of technical assistance;

16. *Decides* to include under the relevant item of the agenda for its sixth session a separate topic on funding of international technical assistance in crime prevention and criminal justice and invites Member States to consider including officials of development funding departments and agencies of their Governments in their delegations for the Commission on Crime Prevention and Criminal Justice at its sixth session;

17. *Requests* the Secretary-General to report to it at its sixth session on the implementation of the present resolution.

Resolution 5/3. Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme*

The Commission on Crime Prevention and Criminal Justice,

Mindful of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to General Assembly resolution 46/152 of 18 December 1991,

Recalling Economic and Social Council resolution 1992/22 of 30 July 1992,

Reaffirming its resolutions 1/1 and 4/3,

1. *Takes note with appreciation* of the report of the Secretary-General on strategic management of the United Nations Crime Prevention and Criminal Justice Programme;[54]

2. *Notes* the reaffirmation of the fundamental role of the medium-term plan and the regular budget of the United Nations as the framework for exercising the functions of the Commission on Crime Prevention and Criminal Justice related to the strategic management of the United Nations Crime Prevention and Criminal Justice Programme;

3. *Takes note* of the draft medium-term plan for the period 1998-2001;

4. *Recognizes* the importance of the contribution that its bureau can make in advancing the work of the United Nations Crime Prevention and Criminal Justice Programme, particularly by strengthening its strategic management, both during its sessions and in the inter-sessional periods;

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*For the discussion, see chapter VIII.

[54]E/CN.15/1996/22.

5. *Requests* Member States to submit to the bureau the draft proposals, together with the information required in accordance with Commission resolution 4/3, annex, one month prior to the commencement of the session of the Commission;

6. *Requests* the bureau to submit a report on its inter-sessional work, wherein it should present its views on whether the procedural requirements for the submission of draft proposals have been met by those who make such proposals;

7. *Stresses* the importance for effective strategic management of the strict adherence to the six weeks' rule on documentation and urges Member States, as well as the Secretary-General, to cooperate fully in its implementation;

8. *Recommends* that the regional groups should, whenever possible, strive for continuity in the composition of its bureau, in particular by electing at least one of the retiring officers of the previous bureau of each session to serve in the next bureau;

9. *Decides* that its bureau should endeavour to hold inter-sessional meetings with the bureau of the Commission on Narcotic Drugs in order to improve coordination of work of the two commissions;

10. *Also decides* to exercise more vigorously its mandated functions of resource mobilization and, for this purpose, to establish an informal consultative group, which will be composed of the bureau of each session and those Member States that in the preceding biennium already contributed to the United Nations Crime Prevention and Criminal Justice Fund or in other concrete ways to the United Nations Crime Prevention and Criminal Justice Programme and which will report annually on activities undertaken and results achieved;

11. *Further decides* to curtail and streamline its reporting requirements by normally not requesting more than one report per item of its agenda and one report per priority theme and by considering certain topics on a biennial basis;

12. *Requests* the Secretary-General to elaborate concrete proposals for the measurement of the impact of the activities of the United Nations Crime Prevention and Criminal Justice Programme and to report thereon to the Commission on Crime Prevention and Criminal Justice at its sixth session;

13. *Also requests* the Secretary-General to elaborate concrete proposals on maximizing the existing resource potential of the United Nations Crime Prevention and Criminal Justice Programme and to report thereon to the Commission on Crime Prevention and Criminal Justice at its sixth session.

5. The attention of the Council is drawn to the following decision adopted by the Commission:

Decision 5/101. Development of United Nations minimum rules for the administration of criminal justice*

At its 16th meeting, on 31 May 1996, the Commission on Crime Prevention and Criminal Justice decided to request the Secretary-General:

(a) To continue to solicit those Member States that had not yet replied to the notes of the Secretary-General[55] regarding the advisability and specific content of the draft minimum rules for the administration of criminal justice and to evaluate those replies;

(b) To seek the views of all Member States, including those that had replied to the above notes, on the basis of their review of the report of the Secretary-General,[56] regarding:

(i) The utility of promulgating the draft minimum rules for the administration of criminal justice;

(ii) The utility of convening an expert group to review the draft rules;

(iii) Specific areas in which an expert group, should it be convened, should consider making changes to the draft rules;

(c) To report to the Commission at its sixth session concerning the replies received from Member States and to include in the report a table summarizing the position of Member States with respect to the three issues set out in subparagraph (b) above.

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*For the discussion, see chapter VI.

[55]CU 95/189 of 11 August 1995 and CU 95/294 of 21 November 1995.

[56]E/CN.15/1996/18.

Chapter II

REVIEW OF PRIORITY THEMES

6. The Commission on Crime Prevention and Criminal Justice considered item 3 of its agenda at its 1st, 2nd, 3rd, 4th, 5th and 6th meetings, from 21 to 23 May 1996. It had before it the following documents:

(a) Report of the Secretary-General on implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (E/CN.15/1996/2);

(b) Addendum to the report of the Secretary-General: recommendations of the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995 (E/CN.15/1996/2/Add.1);

(c) Report of the Secretary-General on control of the proceeds of crime (E/CN.15/1996/3);

(d) Report of the Secretary-General on measures to combat the smuggling of illegal migrants (E/CN.15/1996/4 and Add.1);

(e) Report of the Secretary-General on action against corruption (E/CN.15/1996/5);

(f) Note by the Secretary-General on arrangements for convening an intergovernmental expert group to examine practical recommendations for the further development and promotion of mechanisms of international cooperation, including the United Nations model treaties on international cooperation in criminal matters, and for the development of model legislation on extradition and related forms of international cooperation (E/CN.15/1996/6);

(g) Report of the Secretary-General on links between transnational organized crime and terrorist crimes (E/CN.15/1996/7 and Corr.1);

(h) Note by the Secretary-General on the establishment of a regional centre for training and research in crime prevention and criminal justice for the Mediterranean States (E/CN.15/1996/9 and Corr.1);

(i) Report of the Secretary-General on children as victims and perpetrators of crime (E/CN.15/1996/10);

(j) Report of the Secretary-General on the draft plan of action on the elimination of violence against women (E/CN.15/1996/11 and Corr.1);

(k) Report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women (E/CN.15/1996/12 and Corr.1);

(l) Report of the Secretary-General on the draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system (E/CN.15/1996/13 and Corr.1);

(m) Note dated 15 May 1996 from the Permanent Representative of the Permanent Mission of the Syrian Arab Republic to the United Nations (Vienna) addressed to the Secretary-General (E/CN.15/1996/23);

(n) Monograph on capacity building in criminal enforcement of environmental law (E/CN.15/1996/CRP.4);

(o) Statement submitted by the Interparliamentary Union (E/CN.15/1996/NGO/1).

7. In introducing item 3, the Officer-in-Charge of the Crime Prevention and Criminal Justice Division of the Secretariat noted the record number of reports that had been requested for the fifth session of the Commission totalling around 500 pages, more than twice the total for the fourth session, as well as the growing complexity of the preparatory steps, which included five meetings of the bureau and six informal briefings with permanent missions since the convening of the fourth session. He then highlighted the main issues emerging from the various reports presented under the priority theme on national and transnational crime, organized crime, including money-laundering, and the role of criminal law in the protection of the environment. He also reported on the progress made in respect of the issues dealt with under the priority theme on crime prevention in urban areas, juvenile and violent criminality. Also included under that priority theme were such topics as the prevention of urban crime, children as victims and perpetrators of offences and the elimination of violence against women. He also spoke on the progress made in respect of issues under the priority theme on efficiency, fairness and improvement in the management and administration of criminal justice.

8. In closing, the Officer-in-Charge stressed the challenging task before the Commission in reviewing priorities, evaluating what had been done and what remained to be done. That was especially important in times of fiscal stringency. The Commission had the central role in guiding the United Nations Crime Prevention and Criminal Justice Programme, with the full support of all its members. A balance must be found between reporting requirements and operational activities, an issue that could be considered under the agenda items on strategic management and the medium-term plan, which was the main strategy instrument of the United Nations. Accordingly, in reviewing the priority themes, the Commission could decide to follow the objectives of the medium-term plan.

9. Many speakers welcomed the priority given to various issues, including not only organized transnational crime, but also the elimination of violence against women and illicit trafficking in children. Several speakers emphasized that the priority issues should be formulated in a relatively tight manner. One speaker stressed that serious massive crimes, such as ethnic cleansing and other forms of depredation, should not be ignored.

10. According to one speaker, new priority themes, in addition to being well focused, should be in areas where the Programme could be highly effective; they should be issues of common concern to developed and developing countries alike; they should facilitate a pragmatic approach leading to practical action; and, under the present stringent financial situation, they should primarily provide technical assistance activities to developing countries and countries with economies in transition.

A. National and transnational crime, organized crime, economic crime, including money-laundering, and the role of criminal law in the protection of the environment

1. Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

11. Many speakers emphasized the growing strength of organized transnational crime. Since such crime affected all countries, no country alone could develop an effective response to it. The international community must respond to the challenge by forming an effective network to enforce the law and to ensure that no offender could evade apprehension, prosecution and adjudication. That required the consolidation of international commitments, as well as the development of a multidimensional, global strategy, one that would proceed in carefully planned phases. Several speakers noted that the United Nations was in a unique position to provide the base for developing that global framework, building on the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex).

12. The experiences of several Member States with international cooperation in that field was described, and some regional initiatives were noted. The Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995, had adopted the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime (E/CN.15/1996/2/Add.1, annex) and a proposal was made to organize similar regional workshops elsewhere. Cooperation within the European Community was also cited.

13. One of the main proposals for developing an international framework for cooperation made in the Global Action Plan was for an international instrument or instruments on organized transnational crime. Several speakers welcomed that proposal as a means of further enhancing the political commitment reflected in the Naples documents. The representative of one State announced that his Government was elaborating a draft convention on organized crime, which it would seek to present to the Commission at its sixth session. Among the elements to be included in the proposal would be jurisdiction, extradition, provisional arrest, mutual assistance, cooperation among law enforcement agencies and the exchange of information.

14. Other speakers, however, questioned the appropriateness of work on such an instrument or instruments, preferring to focus on more immediate practical steps. Those speakers noted that the concept of organized transnational crime remained ambiguous, that there was the danger of duplication with instruments on extradition and mutual assistance and that it was possible that consensus could only be reached on matters of a more general nature.

15. Although the discussion clearly reflected the need for an international framework for cooperation, the form that that framework could take remained open. The options included a single convention on organized transnational crime, separate conventions on specific issues, a model convention, a framework convention, a set of principles and a draft declaration for adoption by the General Assembly. More work was needed on identifying the specific focus of the framework, its elements and the measures envisaged. One option suggested was to consider in a more global framework the issues dealt with by the Financial Action Task Force established by the heads of State or Government of the Group of Seven major industrialized countries and the President of the European Commission.

16. Similarly, there was a need to review the existing international instruments and the prospects for promoting ratification of those instruments and for strengthening their implementation. In particular, a study could be carried out on obstacles to practical international law enforcement and mutual assistance.

17. There was also a need to strengthen mechanisms for exchanging information and experiences, evaluating and developing legislative measures and promoting technical assistance. The proposed intergovernmental expert group on international cooperation in criminal matters, including extradition, could provide a forum in which to discuss some of the relevant issues.

18. Broad support was expressed for the proposal for an international repository of information on measures taken by Member States and organizations to combat organized transnational crime. There was a need to provide Member States with access to information on effective practical measures. Manuals and training guides would also be valuable. Access to such a repository could be provided through the United Nations Crime and Justice Information Network (UNCJIN). Such a repository should avoid possible overlap with the repositories of the Commonwealth and the International Criminal Police Organization (ICPO/Interpol) on measures against money-laundering. Moreover, a repository could operate effectively only if the necessary resources were made available and if Member States were willing to supply relevant information.

2. Control of the proceeds of crime

19. Many speakers referred to initiatives taken by their countries to control the proceeds of crime, in particular to ratify and implement the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[57] The legislative measures that had been adopted, *inter alia*, made money-laundering a criminal offence, established methods for supervising financial transactions, waived banking secrecy in certain situations and provided the possibility of seizing illegal assets. The latter was seen as an important measure to counteract the significant power wielded by organized criminal groups. States that had not yet done so were urged to ratify and implement the 1988 Convention.

20. Some speakers also referred to the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime,[58] currently in force in eight States members of the Council of Europe. It not only dealt with cooperation, but also made money-laundering a criminal offence and ensured the enforcement of confiscation orders.

21. One representative, speaking on behalf of the States members of the European Community, suggested that the 40 recommendations of the Financial Action Task Force should be taken as the benchmark by which all measures against money-laundering should be assessed.

22. One speaker recommended that the United Nations International Drug Control Programme (UNDCP) and the Crime Prevention and Criminal Justice Division should establish a joint unit on money-laundering.

3. Smuggling of illegal migrants

23. Reference was made to some of the manifestations of and trends in the smuggling of illegal migrants in different parts of the world. An increasing number of States were being used as transit points for such activity; and that the time it took for smuggled migrants to move on from the transit points was becoming

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[57] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[58] European Treaty Series, No. 141 (Strasbourg, Council of Europe, 1990).

longer. In some countries of destination, violence against migrants was reported to be an increasingly serious problem, manifested in racist and xenophobic crimes. There were also increasingly serious problems involved in the trafficking of women, including violence against trafficked women who did not turn to authorities for assistance, for fear of discovery and deportation.

4. Action against corruption

24. In the view of many speakers, the recent rise in organized transnational crime, drug trafficking and money-laundering had created a new wave of corruption, weakening government structures, depriving citizens of their right to government services, divesting law and justice of their basis, and distorting the operation of markets. Corruption was regarded as a global problem requiring global cooperation.

25. The successful work of some States in preventing and controlling corruption was cited. In some cases, those successes had involved international cooperation, including extradition and the easing of restrictions on banking secrecy. Among the preventive measures stressed were the implementation of basic tenets of democracy and good governance, better social security and pay structures for civil service, and an intensified role of mass media in raising awareness of the problem. Control measures included the establishment of an office of ombudsman, the introduction of changes in organization and procedures to enhance transparency and the strengthening of supervisory mechanisms. At the international level, it was suggested that a suspect should be extradited to the State where the offence was committed and that the assets involved should be seized and turned over to the State or States harmed by the offence.

26. Particular importance was attached to the adoption of the revised draft code of conduct for public officials (E/CN.15/1995/5, annex). Some speakers noted that the scope of the revised draft code of conduct should be expanded to include the private sector, especially international commerce.

27. Various international initiatives dealing with corruption were cited. The Organization of American States (OAS) had adopted in March 1996 the Inter-American Convention against Corruption, which was currently subject to ratification. The Convention expressed the intent of the signatory member States to promote and facilitate international cooperation, establish preventive measures and seek harmonization of legislation. States parties to the Convention were obliged to furnish mutual assistance in, for example, fact-finding and seizure matters. The European Community was also elaborating a draft convention, and the Council of Europe had adopted a plan of action, including a draft convention on the subject. Other action had been taken by the Commonwealth. The Ninety-Fourth Inter-Parliamentary Conference, held at Bucharest in October 1995, had adopted a resolution on parliamentary action to fight corruption. In addition, the Inter-Parliamentary Union was working on codes of conduct, and had developed a draft convention on corruption.

28. Reference was made to the international conference on corruption held at Beijing in October 1995. It was noted that the Eleventh Conference of the International Society of Social Defence, to be organized at Lecce, Italy, from 28 to 30 October 1996, under the aegis of the Ministry of Justice of Italy and with the cooperation of the Crime Prevention and Criminal Justice Division, would discuss social defence and corruption.

5. International cooperation in criminal matters, including extradition

29. Developments in the promotion of international cooperation, including the formulation and wider implementation of new bilateral and multilateral agreements, and attempts to harmonize national legislation and practices were underlined. There was a discussion on the organization of an intergovernmental expert group meeting to examine practical recommendations for the further development and promotion of

mechanisms for international cooperation, including the United Nations model treaties on international cooperation in criminal matters, and for the development of model legislation on extradition and related forms of international cooperation in criminal matters. The hope was expressed that funds would be made available to enable representatives from developing countries to attend the meeting.

30. Suggestions were made on practical matters, including the identification of problems in and solutions to collecting evidence abroad and the problems posed by the use of computers and telecommunications, the possibility of holding a meeting of central authorities on extradition and mutual assistance, the development of asset-sharing agreements, the promotion of witness protection programmes and of mechanisms to ensure the protection of sensitive information exchanged internationally.

31. Several speakers noted the importance of continuing to simplify and expedite arrangements for extradition. For example, it was suggested that flexibility was needed in applying the principle of dual criminality. Even if no extradition agreements existed between the requesting State and the requested State, a framework should be developed for extradition in order to ensure that offenders could not find a safe haven. Some speakers noted that that possibility already existed in their legal systems.

6. Links between organized transnational crime and terrorist crimes

32. In discussing links between organized transnational crime and terrorist crimes, divergent views were expressed. Many speakers referred to the similarities in their elements, methods and activities of organized criminal groups and terrorist groups, and the possibility of there being even direct cooperation between them, emphasizing that those links were incontestable. Several other speakers noted that, although some kinds of terrorism fell within any definition of organized transnational crime, there was a distinction in their goals, terrorism having primarily political goals and organized crime having primarily economic goals.

33. The discussion on terrorism repeatedly emphasized that it posed a severe threat to peace and development. References were made to several recent incidents that illustrated the fact that no States or people were beyond the threat of terrorist action. The speakers condemned terrorist crimes in all their forms, although several speakers stressed that a distinction should be made between such crimes and a people's legitimate struggle for the liberation of occupied territories.

34. Some speakers noted the progress that had been made in their countries in preventing and controlling terrorism, including the adoption of legislation making conspiracy and illicit association, criminal offences, the development of witness protection programmes and the establishment of mechanisms to provide assistance to victims of terrorism.

35. Since terrorism was a threat to all Member States and the offenders could readily move from one State to the next, the importance of international cooperation was repeatedly emphasized, for example in the exchange of information and in replying to requests for mutual assistance and extradition. It was recalled that in the declaration on terrorism of the ministers of justice and the interior of the European Community, adopted at Brussels and Gomera, it was noted that terrorism could not be dealt with by an individual State on its own. Several speakers stated that it was necessary for all States to make terrorism a criminal offence and to apply the principle of "extradite or prosecute".

36. Several speakers noted with regret that, despite the growing awareness of the dangers of terrorism, no unified framework for international cooperation to counter terrorism existed. Moreover, the international community was still discussing the definition of terrorism. The time had come to move to create a united front against the use of violence as a means or an end. That would lead to the creation of a common

consciousness, on the basis of which all States should take measures to ensure the effective exchange of information, in order to facilitate extradition and law enforcement.

37. Several speakers called for the formulation of an international instrument on terrorism, and one speaker noted that the President of his country had proposed an international conference as a possible starting-point for that endeavour. Another speaker suggested that recommendations could be an alternative to an international convention; both approaches had their advantages and disadvantages. None the less, there was a need for an international framework for action. As recommended by the Commission at its fourth session, discussion of that and related issues continued in working group II (see annex III).

7. The role of criminal law in the protection of the environment

38. It was noted that environmental despoliation was a serious threat to humans and natural resources. It was stated that steps must be taken to ensure sustainable development. Reference was made to the measures that had been taken at the national level, including the amendment of criminal laws and the development of supervisory mechanisms. The importance of criminal and administrative sanctions, especially economic sanctions, such as restitution and fines, was underlined. There was a need to include environmental standards in national legislation.

39. At the international level, it was important to formulate and implement effective international agreements. Reference was made to the Council of Europe draft convention on the protection of the environment through criminal law. It was also noted that the subject would be discussed at the fifth World Conference of the Asia Crime Prevention Foundation, to be held at Seoul in October 1996.

40. One representative presented a draft resolution calling for the establishment of an international court of justice on the environment, to serve as a permanent United Nations body for international control, arbitration, prevention, punishment and consultation with States. He added that his Government had offered to host an expert group meeting on the subject in November 1996.

B. Crime prevention in urban areas, juvenile and violent criminality

1. Prevention of urban crime

41. Many speakers noted that there had been disturbing increases in crime in their countries. One issue of particular concern was an increase in the number of youthful offenders. National initiatives to deal with the problem were mentioned.

42. The importance of prevention was referred to by many speakers. The guidelines for cooperation and technical assistance in the field of urban crime prevention (Economic and Social Council resolution 1995/9, annex) were welcomed. One speaker noted that her Government had developed a national strategy on community safety and crime prevention, based on a broad consultative process; in her country, the above-mentioned guidelines had been used as a model for national guidelines. Another speaker reported on the positive experience his Government had had cooperating with the United Nations Interregional Crime and Justice Research Institute (UNICRI) in studying urban crime.

43. Several speakers mentioned social prevention. One speaker noted that his Government had established a national solidarity fund on the basis of voluntary contributions. The fund was used to support rural

populations in the area of social prevention and had been presented as a model at the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995.

44. Another speaker raised the question of the possible limits of crime prevention in the light of human rights exigencies. For example, it was noted that, under certain circumstances, requiring potential victims to take self-protective measures might place an excessive burden on them.

2. Children as victims and perpetrators of crime

45. The seriousness of the two-faceted problem of children as victims and children as perpetrators of offences was underlined. It was stated that children who were subjected to slavery, victimized by war or crime or sexually exploited often became offenders themselves. It was noted that many of the agencies responsible for protecting children nationally and internationally did not have sufficient resources.

46. Sexual exploitation of children was regarded as particularly abhorrent. It was noted that children as young as five years of age had been involved in prostitution, at times with the complicity of their parents. Consequently, there had been an increase in the number of young children diagnosed as being infected with the human immunodeficiency virus (HIV) or as having developed acquired immunodeficiency syndrome (AIDS). National and international measures for the prevention and punishment of the sexual exploitation of children were called for. One speaker announced that his Government was considering joining a number of others that had already recognized extraterritorial jurisdiction in cases involving persons sexually exploiting children when abroad. It was noted that sexual exploitation of children had been the subject of a symposium organized at Bonn, Germany, in November 1995 to promote mutual understanding and personal contacts, encourage reporting and prosecution and heighten general condemnation of the phenomenon.

47. The proposal for an international convention on trafficking in children was discussed. One speaker noted that any future international convention in trafficking in children should take into account the Inter-American Convention on International Traffic in Minors.[59] Some speakers suggested as an alternative the ratification and implementation of existing international conventions on, for example, slavery and trafficking in women and noted that the Commission on Human Rights was drafting an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Others, however, argued that an international convention on trafficking in children would be a necessary supplement to existing international instruments, would establish a legal commitment to deal with the issue and would set out operational modalities for dealing with specific aspects of it.

48. Proposals were made to carry out a survey on international trafficking in children, and to organize a regional ministerial workshop on the matter.

49. With regard to children in conflict with the law, a number of speakers called for the elaboration of a programme of action that would be aimed at promoting the use and application of juvenile justice instruments. It was suggested that the objective of the programme of action should be the provision of assistance, upon request, in the establishment or improvement of juvenile justice systems of Member States. Thus, such a programme of action should include providing requesting States with advisory services to assist them in applying juvenile justice instruments by bringing about legal reforms and promoting the training of practitioners, such as police, prosecutors, judges and correctional officers.

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[59] *International Legal Materials*, vol. XXXIII, No. 3 (1994).

3. Elimination of violence against women

50. It was emphasized that violence against women occurred in all spheres of private and public life. Such violence had reached alarming proportions. The vulnerability of women in conflict situations was stressed. The matter could only be remedied by making achievements in gender equality and by making other improvements in the status of women. No State could claim to have done all that it could in that regard. Of vital importance in situations of violence against women was breaking the cycle of violence, ensuring that the use of violence against women did not become a learned behaviour and that the victims were able to escape the violent environment. As for measures to eliminate violence against women, it was essential to enact legislation that would make it a criminal offence to perpetrate violence against women in any form and would punish perpetrators of such violence. Other important measures in that area included providing specialized training for practitioners, establishing centres for assistance and advice, assisting victims by facilitating their access to justice and recovery from the victimizing event, and working with the media to avoid gender stereotyping. There was a need for measures to assist particularly vulnerable groups of women, including women migrants and women migrant workers.

51. It was noted that the measures outlined in the report of the Secretary-General on the draft plan of action on the elimination of violence against women (E/CN.15/1996/11 and Corr.1, paras. 44-65) pursued the goals of the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I, resolution 1, annexes I and II), adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995. They implemented and built upon the Platform's strategic objectives D.1-D.3, on the elimination of violence against women, and strategic objectives L.1-L.9, on discrimination against the girl child (A/CONF.177/20, chap. I, resolution 1, annex II, paras. 124-130 and 274-285) which fell squarely within the purview of the work of the Commission on Crime Prevention and Criminal Justice.

C. Efficiency, fairness and improvement in the management and administration of criminal justice and related systems, with due emphasis on the strengthening of national capacities in developing countries for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies

52. Many speakers referred to various administrative and judicial reforms carried out in their countries in order to enhance the effectiveness and fairness of the operation of the criminal justice system, including further development of an electronic UNCJIN, in conjunction with the United Nations On-line Crime and Justice Clearing-house. Appreciation was expressed to the National Institute of Justice of the United States Department of Justice for its support in implementing the project and to UNICRI and the European Institute for Crime Prevention and Control, affiliated with the United Nations, for their contributions.

53. Examples of administrative and judicial reforms cited by speakers included the establishment in one country of courts to deal with minor offences in an expeditious manner, as well as developments in community policing that had improved the quality of life and reduced the level of crime. One speaker proposed the holding of an international seminar on community policing and welcomed input from the Crime Prevention and Criminal Justice Division on that matter. Another speaker announced the holding of an African prison conference in Uganda in September 1996, which would address such matters as prison conditions, rehabilitation and non-custodial sanctions.

54. Several speakers stressed the need for technical assistance, for example, in connection with the use of computers and modern technology in the criminal justice system. The view was expressed that the United

Nations should play a leading role and should provide advisory services to developing countries in those areas. Since information sharing was an indispensable step towards effective international cooperation, the hope was expressed that UNCJIN could be further developed as a true information gateway. One speaker informed the Commission of a forthcoming interregional training course to be organized in 1996. The measures proposed in the report of the Secretary-General on the draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system (E/CN.15/1996/13 and Corr.1) were welcomed and a draft resolution on the subject was introduced.

55. Some speakers underscored the objective to further consolidate the information base available to the United Nations by adding to it the most urgently needed databases on the prevention and control of organized transnational crime, subject to the provision of assistance by Member States to the United Nations Crime Prevention and Criminal Justice Programme.

56. At the end of the discussion, the Chairman summarized the main recommendations that had emerged, reiterating the need to follow up the proposals by the Secretary-General for action by the Commission, as contained in the various reports considered under item 3. He noted that many suggestions were already reflected in the draft resolutions submitted by delegations. Regarding the implementation of the Naples Political Declaration and Global Action Plan, he stated that there was general support for a well-structured programme of activities, strengthening the capacities of the Crime Prevention and Criminal Justice Division, especially its capacity to undertake operational activities. There was a need for input on the development of model legislation, manuals and other training guides, and compilations of best practices in the detection, investigation and adjudication of organized transnational crime. Governments and international organizations should provide their views and other information on policies and practices, in response to requests by the Commission and the Secretary-General. There was a need to strengthen the capacity of the Division to expand the collection of information on the prevention and control of money-laundering. The possibility and feasibility of elaborating an international plan of action against corruption should be explored. In continuing to give effect to the Naples Political Declaration and Global Action Plan, the Commission might include in its future work the identification of problems encountered in collecting evidence abroad and possible solutions to them; the development of asset-sharing agreements; in the exchange of information, the development of measures to ensure the protection of sensitive information; the development of an international convention on terrorism; and further development of the role of criminal law in the protection of the environment.

57. It was suggested that a list should be prepared of successful national initiatives in crime prevention in urban areas, juvenile and violent criminality. Practical measures, strategies and activities in the field of crime prevention and criminal justice, aimed at eliminating violence against women should be pursued. The intensification of training and education in criminal justice management within the framework of the Programme should be encouraged.

58. A call for the development of criteria for the identification of priority themes was made. Certain suggestions were made, including the following:

(a) Well-focused areas in which the United Nations Crime Prevention and Criminal Justice Programme could be most effective should be identified;

(b) The principle of universality should be applied, in that the areas identified should be of common concern to both developed and developing countries;

(c) A pragmatic approach, one that would lead to specific action, should be applied;

(d) The focus should be on developing countries in respect of technical assistance activities;

(e) Efforts should be made to ensure that the priority themes were considered in the context of the biennial cycle of the programme budget and the four-year cycle of the medium-term plan which, in turn, were in harmony with the cycle of the United Nations congresses on the prevention of crime and the treatment of offenders.

ACTION TAKEN BY THE COMMISSION

59. At its 13th meeting, on 30 May 1996, the Commission was informed by the Chairman that, as the discussion on the issue of links between terrorism and organized transnational crime had not led to a consensus in working group II (see annex III), it would be necessary to postpone further consideration until its sixth session. Several speakers agreed with that approach. Other speakers felt that the Commission should take note of the discussion and consider the matter closed. Some speakers felt that the subject should more appropriately be considered by the Sixth Committee of the General Assembly. On a motion by the Chairman, the debate was adjourned until the sixth session of the Commission.

60. At its 15th meeting, on 31 May 1996, the Commission approved three draft resolutions, as originally recommended by working group IV (see annex III) and as orally amended, for adoption by the Economic and Social Council. The first, entitled "The role of criminal law in the protection of the environment" (E/CN.15/1996/L.4), was sponsored by Costa Rica, Côte d'Ivoire, Greece, Guatemala, India, Lebanon and Nicaragua. The second, entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information" (E/CN.15/1996/L.7), was sponsored by Argentina, Brazil, Colombia, Czech Republic, Finland, India, Netherlands, Nicaragua, Romania, the former Yugoslav Republic of Macedonia, Turkey, Uganda and United States of America. The third, entitled "Elimination of violence against women" (E/CN.15/1996/L.10), was sponsored by Angola, Argentina, Australia, Belgium, Canada, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Egypt, Finland, Germany, Greece, India, Israel, Lebanon, Malta, Morocco, Netherlands, New Zealand, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sweden, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela. For the texts, see chapter I, section B, draft resolutions I, II and III.

61. Also at its 15th meeting, the Commission recommended to the Economic and Social Council the approval for adoption by the General Assembly of a revised draft resolution entitled "Action against corruption" (E/CN.15/1996/L.12/Rev.1), sponsored by Angola, Argentina, Austria, Belgium, Brazil, Canada, Colombia, Costa Rica, Côte d'Ivoire, Egypt, Greece, Italy, Lebanon, Netherlands, Nigeria, Paraguay, Portugal, Romania, Russian Federation, Slovenia, South Africa, Spain, Swaziland, Tunisia, Turkey, Uganda, United States of America and Venezuela. For the text, see chapter I, section A, draft resolution I.

62. At its 16th meeting, on 31 May 1996, the Commission recommended to the Economic and Social Council the approval for adoption by the General Assembly of a revised draft resolution entitled "United Nations Declaration on Crime and Public Security" (E/CN.15/1996/L.2/Rev.2), sponsored by Canada, Chile, Egypt, Kuwait, Poland, Russian Federation, Saudi Arabia, Spain, the former Yugoslav Republic of Macedonia, Turkey, United States of America and Venezuela, as orally amended. For the text, see chapter I, section A, draft resolution II.

63. Following the approval for adoption of the draft resolution, the representative of the Syrian Arab Republic placed on record the position of her Government that, as the resolution contained in a number of its paragraphs reference to terrorism, the definition and clear concept of which had not yet been reached by the international community, it was necessary to underline its position of principle, which is that the Syrian Arab Republic condemned terrorism in all its forms, but distinguished between terrorism and the actions of legitimate national resistance against occupation, especially where such actions were carried out in the actual field of struggle.

64. The draft resolutions contained in E/CN.15/1996/L.5/Rev.1 and E/CN.15/1996/L.6 were withdrawn by their sponsors.

65. Also at its 16th meeting, on 31 May 1996, the Commission approved for adoption by the Economic and Social Council, as orally amended, a revised draft resolution entitled "Measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences" (E/CN.15/1996/L.8/Rev.1), sponsored by Angola, Argentina, Brazil, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Guatemala, India, Lebanon, Nicaragua, Paraguay, Slovenia, Turkey, Uganda, Uruguay and Venezuela, and a draft resolution entitled "Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime" (E/CN.15/1996/L.11), sponsored by Argentina, Brazil, Colombia, Italy, Romania and Turkey and as originally proposed by working groups I and IV (see annex III). For the texts, see chapter I, section B, draft resolutions IV and V.

66. Prior to the approval for adoption of the draft resolution contained in E/CN.15/1996/L.11, the Chairman placed on record the understanding of the Commission that the in-sessional working group referred to in paragraph 10 of the draft resolution would be open-ended for all States attending the sixth session of the Commission and would hold two meetings.

Chapter III

MEASURES TO REGULATE FIREARMS

67. The Commission considered item 4 of its agenda at its 10th and 11th meetings, on 28 and 29 May 1996. It had before it the report of the Secretary-General on measures to regulate firearms (E/CN.15/1996/14 and Corr.1), two conference room papers (E/CN.15/1996/CRP.5 and E/CN.15/1996/CRP.9) and a work plan proposed by the Secretariat for a study on firearms regulations formulated on the basis of a proposal made by the representative of Japan.

68. The Officer-in-Charge of the Division, in introducing agenda item 4, noted that the Economic and Social Council, in its resolution 1995/27, section IV, had requested the Secretary-General to initiate a study on measures to regulate firearms. The report of the Secretary-General on measures to regulate firearms (E/CN.15/1996/14 and Corr.1) constituted a status report on that matter. Two sources of information had been used in the preparation of the report: replies from Governments to a note verbale from the Secretary-General and input from a group of experts of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network. The institutes would continue to be closely involved in the work, providing a regional and interregional perspective.

69. The Officer-in-Charge paid special tribute to the substantive contributions provided by Canada and Japan for the study. As the study had not been included in the regular budget of the United Nations, it would not have been possible without their support.

70. The Officer-in-Charge noted that the timeliness of the issue had been accentuated by several recent incidents of mass killings around the world, in both developed and developing countries. The widespread availability of firearms, whether legally purchased, stolen, illegally manufactured or smuggled, posed a particular problem in countries that had suffered from internal conflict.

71. Since valid data related to the use and regulation of firearms were not readily available in many countries, the first step in the study was to consolidate and establish a reliable database by conducting an international survey. For that purpose, an expert group had been established. The expert group, which had held two meetings, had assisted the Secretary-General in elaborating the methodological parameters of the study, including the formulation of the guidelines and questionnaire for the survey (E/CN.15/1996/CRP.5). The results of the survey would be submitted to the Commission at its sixth session.

72. The Officer-in-Charge concluded by noting that the Commission should consider what future action should be taken in connection with the study. Options included improving the information base, encouraging additional States to provide data and other information, broadening the scope of the survey by including more States in it, encouraging interested States to initiate regional and subregional action and encouraging intergovernmental organizations to improve cooperation in the exchange of data. He added that the Commission might wish to consider the possibility of, and mechanisms for, receiving input from non-governmental organizations in consultative status with the Economic and Social Council and other interested organizations.

73. The Commission was informed that the project would focus on the extensive collection and exchange of data and information on firearms regulation at the national, regional and international levels, by establishing a database on firearms regulation with periodical updating and maintenance of such data, and by disseminating the information through periodical publications and workshops. In particular, the following activities were envisaged:

(a) From May to September 1996, data and information on firearms regulation would be collected on the basis of the contributions of 50 national consultants who would prepare country reports using the questionnaire endorsed by the Commission on Crime Prevention and Criminal Justice at its fifth session, in collaboration with the participating institutes of the United Nations Crime Prevention and Criminal Justice Programme network. The country reports would be collated into global country profiles;

(b) From October to December 1996, the collected data and information would be analysed, including macro-level information from various international sources. A report on the analysis would be prepared as a basis for the work of the expert group meeting referred to in subparagraph (d) below;

(c) At the same time, as suggested by members of the Commission, and subject to its final recommendations, the Secretary-General would circulate the questionnaire to other Member States for further analysis and publication of results;

(d) In December 1996, the expert group meeting would be held, its participants being selected on the basis of equitable geographic distribution. The discussion would draw on the analysis of the collected data and information, with a view to advising the Secretary-General on recommendations for further action by Member States, in pursuance of Economic and Social Council resolution 1995/27, section IV.A, and to submitting those recommendations to the Commission at its sixth session;

(e) In December 1996, a report based on the country profiles would be completed for consideration by the Commission on Crime Prevention and Criminal Justice at its sixth session;

(f) From January 1997, a database on firearms regulation would be established and kept continuously updated, so as to include the results of the analysis of the data collected through the national consultants, as well as the additional replies from the second round of the survey, and to facilitate further analysis and publication of the information referred to in subparagraph (c) above;

(g) During 1997, the Secretariat would organize four regional workshops on firearms regulation involving the participation of officials knowledgeable in customs, law enforcement, criminal justice and other relevant sectors. In early 1998, on the basis of the discussions in those workshops, an ad hoc expert group meeting would be held in order to recommend further action.

74. To carry out the above-mentioned activities, the Crime Prevention and Criminal Justice Division would be required to address the growing needs of Member States, by processing, analysing, disseminating and publishing the data and information from the United Nations survey of firearms regulation, with a view to providing them with informed policy options. In particular, the following would be required:

(a) Full-time work on the further development and implementation of the firearms regulation project, for a period of 18 months, with corresponding administrative support;

(b) Additional expertise to maintain and expand the electronic database on firearms regulation by assisting in organizing the input, analysis, dissemination and publication of comprehensive and periodic reports on firearms regulation in the world, for a period of six months, plus additional printing and dissemination costs;

(c) Additional services of an expert specialized in training criminal justice staff involved in firearms regulation, with a view to assessing priority needs of countries requesting technical assistance, for a period of eight months.

Funds for implementing the work plan of the United Nations should be allocated within the existing regular budget of the United Nations and, if necessary, from extrabudgetary sources.

75. Satisfaction was expressed with the progress of the study being carried out by the expert group. One speaker, however, noting the difficulties his own State had encountered in gathering similar information from only a few other States, cautioned that such a major study could be quite difficult, and could be accomplished only with the full support of the Member States involved. He urged Member States to provide that support. He noted that the study should provide the basis for a consideration of action to be taken nationally and internationally in the regulation of firearms. He noted that that would involve a consultative process, in which Member States and non-governmental organizations should be involved.

76. One speaker stated that efforts should be made as far as practicable to promote uniform legislation on the regulation of firearms. He noted that model legislation might be helpful in that regard. Another speaker suggested informal meetings between law enforcement and customs officials, leading in time to more formalized schemes for regulation and international cooperation.

77. Several speakers described the legislative and administrative systems developed in their countries for the regulation of firearms. One speaker noted the considerable successes that had been achieved in his country in controlling firearms. Another speaker noted that, in the aftermath of a recent and widely publicized mass killing, a uniform national system of firearms regulation had been implemented in his country. He suggested that that system might serve as a model for others, at the national and international levels.

78. Several speakers noted that national legislation to regulate firearms should be enacted, made more comprehensive and implemented. Because of the problem of international trafficking in firearms, no nation could achieve adequate control and regulation of firearms on its own. For that reason, international cooperation was necessary, at the bilateral, subregional, regional and global levels. The severity of the problem in some developing countries was highlighted, as was the need for the exchange of information and the provision of financial and technical assistance to such countries to help them to control trafficking in firearms. One speaker urged that strong measures should be taken against merchants involved in such trafficking.

79. Speakers expressed concern that the Secretary-General had noted that some of his recommendations were to be implemented "subject to the availability of extrabudgetary funds". It was felt that the subject was too important to be placed under such conditions. The Secretary-General was urged to make maximum efforts to ensure that all the recommendations were implemented, drawing on the existing resources of the Secretariat. One speaker informed the Commission that his Government would be making a voluntary contribution to the second stage of the study.

80. Reference was made to existing international instruments related to the regulation of firearms, including the European Convention on the Control of the Acquisition and Possession of Firearms by Individuals[60] and to the Council of the European Communities directive 91/477/EEC of 18 June 1991, on control of the acquisition and possession of weapons.[61] Reference was also made to the Meeting of the Group of Experts

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[60] *European Convention on the Control of the Acquisition and Possession of Firearms by Individuals*, European Treaty Series, No. 101 (Strasbourg, Council of Europe, 1978).

[61] *Official Journal of the European Communities*, No. L 256/51, 13 September 1991.

on the Control of Arms and Explosives related to Drug Trafficking, convened by the Inter-American Drug Abuse Control Commission (CICAD) of OAS at Caracas from 21 to 24 May 1996.

81. One speaker outlined some recommendations for a model national scheme of regulation, based on clearly defined conditions for the possession and use of firearms. Such a system would encompass a system of permits, methods for the control and supervision of possession and use, regulations on transport and international transport, and a system of sanctions.

82. The Chairman summarized the main points made in the discussion on item 4, noting that a number of speakers had stated that the use of firearms was at the core of many criminal activities and had expressed their concern over the growing dimensions of illicit trafficking in firearms, which has been facilitated by a lack of harmonization of national legislation, regulation and policies. Several speakers had also stressed the role of the mass media in educating the public on the question of firearms regulation. In general, agreement had been reached on the need to improve firearms statistics and information and to carry out a comprehensive review of developments in firearms regulation throughout the world in order to provide an objective basis for formulating recommendations.

ACTION TAKEN BY THE COMMISSION

83. At its 15th meeting, on 31 May 1996, the Commission approved for adoption by the Economic and Social Council, as orally amended, a draft resolution entitled "Follow-up action on firearms regulation for the purpose of crime prevention and public safety" (E/CN.15/1996/L.13), sponsored by Australia, Austria, Belarus, Brazil, Canada, Colombia, Egypt, Finland, Germany, Greece, India, Italy, Japan, Malaysia, Morocco, Netherlands, Philippines, Republic of Korea, Russian Federation, Sweden, Thailand and Tunisia. For the text, see chapter I, section B, draft resolution VI.

Chapter IV

TENTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

84. The Commission considered item 5 of its agenda at its 8th meeting, on 24 May 1996. It had before it the report of the Secretary-General on proposals for the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1996/15), as well as a statement submitted by the Asia Crime Prevention Foundation (E/CN.15/1996/NGO/2).

85. The representative of the Secretariat, in introducing agenda item 5, underlined the importance of the experience gained from the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, the assessment of which had been made by the Commission at its fourth session. The general view had been that both the plenary meetings and the new format of the United Nations congresses on the prevention of crime and the treatment of offenders, together with the greater role allotted to workshops, had increased its usefulness as a forum in which to share experiences and know-how.

86. Some suggestions for more fully utilizing the potential of the congresses had also been made. One suggestion was that future congresses should include a high-level segment at the beginning of the proceedings, reserved for ministers of State and other representatives of high rank. In general, the number of workshops should be reduced and their objectives should be more clearly defined. Also, the status of the ancillary meetings, symposia and exhibits had to be reviewed in order to ensure their integration into the congress activities.

87. In the discussion, general satisfaction was expressed with the new format and method of organization of the congress, as a forum for the exchange of information and the identification of new trends in crime prevention and criminal justice. Emphasis was placed on timely preparations for future congresses, including an early decision on the venue, content and structure of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in order to provide Member States with a better opportunity to prepare themselves. The suggestion was made that more general contributions from Member States should be submitted several months ahead of the congress, thus allowing other Member States sufficient time to acquaint themselves with their content.

88. One speaker noted the need to harmonize the cycle of the congresses with that of the biennial programme budget. He called for a review of the status of the regional preparatory meetings, the recommendations of which were supposed to be carefully considered by the Commission, as the preparatory body for the congresses. It was noted that, during the preparations for the Ninth Congress, it had not been possible for the Commission to consolidate all the proposals emerging from the regional preparatory meetings for consideration by the Ninth Congress. Since those meetings were indispensable forums for discussing regional experiences, there should be a way to ensure that they were more fully utilized. In the future, the Commission should reflect carefully on their results.

89. Considerable attention was devoted to the procedure for submitting draft resolutions. Reference was made to the importance of complying with rule 28 of the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders (Economic and Social Council resolution 1993/32, annex), on the four-month deadline for the submission of draft resolutions. Some speakers expressed reservations about the so-called omnibus resolutions, which contained a number of disparate elements. The view was expressed that, even if such draft resolutions were submitted four months in advance of a congress,

their structure did not allow for sufficient attention by the delegates at the congress. It was suggested that the method for considering draft resolutions should be reviewed, for example by having one forum to consider all the draft resolutions before their adoption in the plenary or by dividing the draft resolutions among the committees, on the basis of their substantive expertise. Several speakers stressed that the number of draft resolutions should be reduced as much as possible.

90. Another speaker suggested that draft resolutions should first go to a regional preparatory meeting and then be transmitted to the Commission for review and consolidation, after which they would go to the congress for adoption. That would avoid the situation where several drafts went directly to the congress, as had previously been done, a situation that, in the view of the speaker, had led to some confusion. It was further suggested by one speaker that it was not appropriate to adopt draft resolutions within the framework of the workshops, since such a procedure would be a deviation from the four months rule noted in the provisional rules of procedure.

91. With respect to the workshops, some speakers noted the great value of the contribution of intergovernmental and non-governmental organizations, the institutes comprising the Programme network and individual experts. In line with that, it was suggested that, with the approval of the Commission, the individual workshops could be organized or jointly organized by any interested parties, including Member States, non-governmental organizations or institutes, which would allow the presentation of different perspectives on the issues.

92. Other speakers were of the opinion that the workshops had been the highlight of the Ninth Congress and expressed their satisfaction with the way Member States had contributed to their success. The workshops had been in line with the emphasis that the Commission had placed on the discussion and demonstration of practical matters.

93. In general, the speakers agreed that the workshops should deal with topics of interest to developed and developing countries alike, should take a multidisciplinary approach, should actively involve entities with different areas of expertise, should identify recent trends and emerging issues, should stimulate solutions to identify problems and should seek to achieve a multiplier effect.

94. It was noted that only a few Governments had replied to a note verbale sent by the Secretary-General requesting their views on the theme, format, agenda items and workshop topics for the Tenth Congress. Consideration might be given to allowing Governments that had not yet replied more time to do so. Since the Tenth Congress would be held at the dawn of the twenty-first century and would thus also have considerable symbolic importance, careful attention should be paid to its theme and topics.

95. There was broad agreement that not only should the agenda items and workshop topics be precise and focused, but also their number should be reduced. Several speakers suggested that there should be a maximum of three or four workshops.

96. The following possible agenda items or workshop topics were suggested in the discussions:

(a) The links between transnational organized crime and terrorist crimes (it was noted that the Ninth Congress, in its resolution 4,[62] had already formally recommended that the Commission should consider including this item on the agenda for the Tenth Congress; although that proposal received support from some speakers, it was also noted that it was not a useful or advisable topic);

(b) The prevention and control of organized crime (several references to this were made by speakers, with somewhat differing formulations);

(c) Contemporary forms of crime and methods for their effective control, in the context of international cooperation;

(d) Technological crime in the twenty-first century;

(e) Computer crime, economic crime and the role of criminal law in the protection of the environment;

(f) Crimes against protected flora and fauna, including illegal trade;

(g) Violence against women and children;

(h) Justice for the protection of minors and women in the twenty-first century, in the context of international cooperation;

(i) Violence in society;

(j) The treatment of offenders, including the development of policies for overcoming social, legal and economic difficulties, and the promotion of post-institutional treatment and social reintegration and the role of social organizations;

(k) Computerization of the criminal justice system, information exchange and the collection of information;

(l) International cooperation and technical assistance.

97. Upon conclusion of the discussion on item 5, the Chairman, summarizing the main points of the debate, noted that, in general, satisfaction had been expressed with the new format and method of organization of the congresses, based on the experience gained at the Ninth Congress. Suggestions had been provided in relation to the submission of the draft resolutions, the role of the regional preparatory meetings and that of the workshops. Compliance with rule 28 of the rules of procedure for the congresses, on the four-month deadline for the submission of draft resolutions, should be ensured. The method for their consideration should be reviewed and their number should be reduced as much as possible. It had also been suggested that draft resolutions should be submitted by Member States first to the regional preparatory meetings, the results of which should be reflected in the work of the Commission and the congress. The workshops should deal with specific topics of interest to all States and the number of workshops should be limited. A proposal had been

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[62] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I. The report will subsequently be issued as a United Nations sales publication.

made to amend the rules of procedure for the congresses in order to reflect the important role of the workshops in future congresses.

98. With respect to the substantive aspects of the Tenth Congress, the topics proposed had ranged from transnational organized crime, urban crime, violent crime and juvenile crime to the administration of justice and the rule of law. As a theme of the Tenth Congress "International cooperation for the prevention of crime, the treatment of offenders and development: a plan of action for the twenty-first century" had been suggested.

ACTION TAKEN BY THE COMMISSION

99. At its 14th meeting, on 30 May 1996, the Commission adopted a revised draft resolution entitled "Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" (E/CN.15/1996/L.3), sponsored by Austria and Canada. For the text, see chapter I, section D, resolution 5/1.

Chapter V

TECHNICAL COOPERATION AND STRENGTHENING OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

100. The Commission considered item 6 of its agenda at its 8th and 10th meetings, on 24 and 28 May 1996. It had before it the report of the Secretary-General on technical cooperation and advisory services of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1996/8 and Corr.1) and two conference room papers providing further details on the tasks accomplished (E/CN.15/1996/CRP.7 and Corr.1 and E/CN.15/1996/CRP.10).

101. Agenda item 6 was introduced by the Director-General of the United Nations Office at Vienna. He noted that technical cooperation had occupied a central place in the work of the Commission. Recent developments, including such changes as globalization, democratization, the transition to market economies and the development of information technologies had been accompanied by a number of negative phenomena that had globalized a number of formerly national concerns, above all crime prevention and criminal justice. Those global issues called for a global, coordinated response by the international community. One basic challenge was the creation of effective mechanisms for crime prevention and fair and humane criminal justice at a time when many States were faced with severe resource constraints. The credibility of the United Nations Crime Prevention and Criminal Justice Programme would be measured by its ability to provide effective support to requesting States.

102. The Director-General noted that crime prevention and criminal justice had been emerging as a distinct field in international cooperation and development. The Programme had been able to establish itself as an instrument and a focal point of technical cooperation activities, as illustrated by the increasing number of requests made and activities successfully undertaken. Great efforts were being made to carry out those activities in coordination with other programmes and agencies, in particular UNDCP and the United Nations Development Programme (UNDP).

103. Although much progress had been made, there was still a gap between goals and achievements. It was imperative to address the issue of resources. The demands placed on the Programme had been expanding rapidly, without commensurate increases in resource allocation. Priorities must be established within the limited resources; for example, the high proportion of resources going to servicing the Commission should be reviewed. At the same time, resources must be mobilized for technical assistance outside of the United Nations budget. Contributions from Member States for project implementation were vital. The Commission would need to identify specific measures to address that issue in order to mobilize the required political will and the resources necessary to translate the mandate into concrete action.

104. In the discussion, many speakers welcomed the strengthening of United Nations technical assistance activities and called for continued work to that end, both in capacity building and in the formulation of new policies. Appreciation was expressed for the work of the Crime Prevention and Criminal Justice Division and of the two interregional advisers and for the establishment of the fellowship programme, which, it was felt, should be further expanded. Appreciation was also expressed for the work of other United Nations entities such as the Department for Development Support and Management Services of the Secretariat, the Centre for Human Rights of the Secretariat, UNDCP and UNDP, as well as for the work of governmental and non-governmental organizations. Several speakers underlined the high priority to be attached to technical cooperation. Technical assistance activities in the field of crime prevention and criminal justice had to be considered an integral part of the development process. Several speakers noted the need to provide further assistance to their countries, for example in needs assessment and in training.

105. The importance of focusing the provision of assistance on developing countries and countries with economies in transition was affirmed. It was noted that such countries did not have sufficient resources to respond to the problems of crime prevention and criminal justice on their own; assistance from other countries was viewed as vital. Moreover, the limited resources available to the United Nations should be used where they were needed most, to provide assistance to developing countries and countries with economies in transition, which were viewed as easy victims of crime. Several speakers emphasized that the provision of technical assistance should be regarded not simply as a humanitarian gesture but as an act of international solidarity that benefited the entire international community. Since crime knew no borders, it was in the common interest to ensure that the capacity of all countries to prevent and control crime was strengthened.

106. Many speakers called for broadening the resource bases for the advisory services and the extrabudgetary resource bases of the Programme through increased contributions to the United Nations Crime Prevention and Criminal Justice Fund. Many others expressed their support for the suggestion made by the Director-General on setting up a mechanism for resource mobilization and coordination in the area of technical assistance by convening regular meetings of interested Member States for that purpose. One speaker suggested that the Commission should call for a meeting of a consultative group consisting of representatives of those Member States that had contributed to the Fund in the preceding biennium.

107. One speaker suggested that, in order to promote technical assistance, States should include representatives of funding agencies in their delegations to the sessions of the Commission. Furthermore, the funding of international technical assistance projects could be a separate agenda item, or a sub-item under the item on technical cooperation.

108. A number of speakers described the technical assistance activities carried out in their countries. They stressed the importance of bilateral cooperation, citing several examples of successful activities, including the organization of training in their countries or in recipient countries, the hosting of study tours, the organization of needs assessment missions and the provision of on-site expertise. Several speakers also referred to the participation of their countries in United Nations technical assistance activities in, for example, Bosnia and Herzegovina, Cambodia and Croatia (in particular, Eastern Slavonia). One speaker noted that his country had funded the position of a regional adviser in the Economic and Social Commission for Asia and the Pacific at Bangkok.

109. Other speakers emphasized the importance of regional cooperation, for example, in Africa, in Asia and the Pacific and in central and eastern Europe. The expansion of judicial cooperation and technical assistance at the regional level was called for; it was noted that the regional institutes for the prevention of crime and the treatment of offenders could play an important part in that respect. One speaker called for the creation of an informal working group to be established at the regional level to elaborate a draft convention against organized transnational crime in all its forms, including corruption, in Africa. Technical assistance in support of that undertaking would be needed. Another speaker noted that her country was seeking to promote cooperation among the Mediterranean countries and for that purpose was organizing a four-week pilot course on the prevention of drug abuse early in 1997. She expressed the hope that other countries would undertake similar initiatives.

110. One speaker called for the development of a strategic plan for technical cooperation, together with model assistance projects.

111. Some speakers referred to special themes in which technical assistance would be of particular value, such as organized transnational crime and money-laundering. Several speakers reaffirmed the importance of

operational activities aimed at protecting the environment through criminal law and called for a discussion on the establishment of an international court of environmental protection.

112. One speaker noted the importance of manuals as a cost-effective method of promoting technical assistance activities, citing as examples the resource manual for practitioners on domestic violence and the manual on the prevention and control of computer crime, both of which had been completed with financial and substantive support from her Government. Currently, her Government was drafting a manual on the Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117, annex). Another speaker emphasized the importance of data collection and supported the strengthening of the role of UNCJIN in that activity.

113. The activities of various members of the Programme network were presented, including UNICRI, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the European Institute for Crime Prevention and Control, affiliated with the United Nations, the African Institute for the Prevention of Crime and the Treatment of Offenders and the International Scientific and Professional Advisory Council, as well as the Asia Crime Prevention Foundation. Among the lessons learned in those activities, as cited by the observer for UNICRI, were the need for full partnership in the formulation, implementation and evaluation of projects, the need for continuity in technical cooperation and the importance of capacity building.

114. Some speakers referred to the importance of coordination within the United Nations system and of multilateral and bilateral projects carried out by Member States, intergovernmental and non-governmental organizations and other entities. Reference was made to the database managed by the European Institute for Crime Prevention and Control, on behalf of the United Nations Crime Prevention and Criminal Justice Programme, on international projects in crime prevention and criminal justice involving one or more countries in central and eastern Europe. The coordination between that database and those of other programmes and intergovernmental agencies, including UNDCP, UNDP, the European Community and the Organisation for Economic Cooperation and Development, was mentioned. It was pointed out that the information in the database was available to Member States on request. The hope was expressed that there would be continued support from Member States, the relevant intergovernmental and non-governmental organizations and other entities in providing information.

115. The observer for the Department for Development Support and Management Services reported on the strengthening cooperation involving his Department and the United Nations Crime Prevention and Criminal Justice Programme. He cited several examples of successful cooperation in the execution of projects, for example, in Bosnia and Herzegovina, Haiti, India and Rwanda. He noted that some of the areas of common interest were the prevention and control of corruption, the strengthening of the rule of law and protection of human rights and the rebuilding of public administration in post-conflict situations. He expressed his hope that, with the establishment of an office of the Department for Development Support and Management Services at Vienna, cooperation would be further strengthened.

116. Some speakers announced that their Governments were going to contribute to the United Nations Crime Prevention and Criminal Justice Fund or provide funding for specific activities.

117. Concern was expressed over the precarious financial position of the African Institute for the Prevention of Crime and the Treatment of Offenders. One speaker announced that his Government had signed the statute establishing the African Institute; another announced that his Government intended to do so in 1996.

118. The two interregional advisers for crime prevention and criminal justice thanked the Commission for the support that had been expressed for their work. They noted the considerable strengthening of the programme and the fact that much momentum had been gained. It was pointed out, however, that the Programme was at a crossroads. Much time had been spent developing project proposals, which were being reviewed by funding agencies. Although the proposals had been found to be for well-designed projects that would have an impact, they still required funding. Member States were strongly urged to consider providing the necessary funding.

119. Upon the conclusion of the discussion on item 6, the Chairman, in summarizing the main points of the debate, noted that the statements made had reflected the multiplicity of needs in that area. There had been general agreement that technical assistance activities in the field of crime prevention and criminal justice had to be considered as part of the whole development process of a country. High priority had to be attached to technical cooperation and advisory services as one of the main means by which the United Nations Crime Prevention and Criminal Justice Programme could respond to the requests of the international community, particularly those of developing countries and countries with economies in transition. Activities included needs assessment, project formulation, implementation, evaluation, continued training of different kinds and at different levels, workshops and seminars, and the development of model curricula. The operational activities of the Programme needed to be further strengthened by expanding both the advisory services, particularly the role of the interregional advisers for crime prevention and criminal justice, through the provision of adequate resources to them, and the extrabudgetary resource bases of the Programme, through increased contributions to the United Nations Crime Prevention and Criminal Justice Fund and the funding of specific projects. Cooperation with other entities, such as the Department for Development Support and Management Services, UNDCP, the Centre for Human Rights, UNDP, the World Bank, the institutes comprising the Programme network and relevant non-governmental organizations should be further strengthened. The Crime Prevention and Criminal Justice Division should continue its activities with respect to the crime prevention and criminal justice components of United Nations peace-keeping missions.

120. There had been a strong endorsement of the approach of setting up a mechanism for resource mobilization and coordination of activities in the area of technical assistance, as suggested by the Director-General in his introductory statement on item 6. That might be achieved by holding regular meetings of interested Member States organized for that purpose.

121. Many speakers had also agreed with the recommendations contained in the report of the Secretary-General on technical cooperation and advisory services of the Programme (E/CN.15/1996/8 and Corr.1), which would include making the funding of international technical assistance in crime prevention and criminal justice a separate item. UNCJIN had proved to be a useful tool for technical cooperation, particularly as related to the dissemination of crime statistics, United Nations standards and norms in crime prevention and criminal justice and the establishment of forums on relevant items, and should be developed further. Several speakers, supporting the recommendations in the report of the Secretary-General on the role of criminal law in the protection of the environment, had reaffirmed the importance of operational activities in the field of enforcement of environmental criminal law.

122. With respect to strengthening technical assistance and cooperation at the regional level, there had been a call for making use of the capacities of the institutes comprising the Programme network, and for further increasing their role. Regional databases on technical cooperation and on crime statistics and legislation needed to be developed further. A proposal had been made on establishing an informal working group to elaborate a draft convention against organized transnational crime in all its forms, including corruption, in Africa.

ACTION TAKEN BY THE COMMISSION

123. At its 15th meeting, on 31 May 1996, the Commission adopted, as orally amended, a revised draft resolution entitled "Technical cooperation and interregional advisory services in crime prevention and criminal justice" (E/CN.15/1996/L.18/Rev.1), sponsored by Argentina, Bosnia and Herzegovina, Brazil, Colombia, Cuba, Ecuador, Egypt, France, Lebanon, Morocco, Portugal, Romania, Swaziland, the former Yugoslav Republic of Macedonia, Turkey, Uganda and United States of America. For the text, see chapter I, section D, resolution 5/2.

Chapter VI

UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

124. The Commission considered item 7 of its agenda at its 6th meeting, on 23 May 1996. It had before it the following documents:

(a) Report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1996/16);

(b) Addendum to the report of the Secretary-General: use and application of the Standard Minimum Rules for the Treatment of Prisoners (E/CN.15/1996/16/Add.1);

(c) Addendum to the report of the Secretary-General: use and application of the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (E/CN.15/1996/16/Add.2);

(d) Addendum to the report of the Secretary-General: use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/CN.15/1996/16/Add.3);

(e) Addendum to the report of the Secretary-General: use and application of the Basic Principles on the Independence of the Judiciary (E/CN.15/1996/16/Add.4);

(f) Addendum to the report of the Secretary-General: recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995 (E/CN.15/1996/16/Add.5) and the report of the meeting (E/CN.15/1996/CRP.1);

(g) Note by the Secretary-General on the draft questionnaire on United Nations juvenile justice standards and norms (E/CN.15/1996/17) and a conference room paper (E/CN.15/1996/CRP.11);

(h) Report of the Secretary-General on the development of minimum rules for the administration of criminal justice (E/CN.15/1996/18);

(i) Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty (E/CN.15/1996/19).

125. Agenda item 7 was introduced by the representative of the Secretariat. She noted that the crucial importance of standards and norms had been emphasized by the General Assembly, the United Nations congresses on the prevention of crime and the treatment of offenders and the Commission. They provided a useful tool and guide for practitioners in crime prevention and criminal justice. The report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1996/16) reflected the increasing use being made of those standards and norms at the regional and national levels, particularly in training and advisory activities carried out by the Crime Prevention and Criminal Justice Division in a number of countries. The surveys on the use and application of United Nations standards and norms in the field of crime prevention and criminal justice had provided data for an analysis of major trends and suggestions for follow-up activity. The number of replies that had been received was high; for example, 72 Governments had participated in the surveys on the use and application of the Standard Minimum Rules for the Treatment of Prisoners (E/CN.15/1996/16/Add.1).

126. The representative of the Secretariat noted that, although the Division had reinforced institutional cooperation, for example, with the United Nations High Commissioner for Human Rights, the Centre for Human Rights, and its special rapporteurs as well as non-governmental organizations, the activities carried out depended on the resources available.

127. In the ensuing discussion, the importance of United Nations standards and norms in crime prevention and criminal justice was noted, as was the need to implement them in daily practice. Appreciation was expressed for the surveys on the use and application of the standards and norms. Several speakers emphasized the importance of continuing work on information gathering and on assessing the implementation of the standards and norms. Other speakers stressed the need to focus on improvement of the efficiency of their implementation, suggesting that the limited programme resources should be used to encourage their practical application, through technical assistance, advisory services, assistance provided by experts and training.

128. Some speakers related their experiences at the national or local level with the implementation of the standards and norms. Others, referring to challenges faced in applying them, indicated that there were still at times considerable discrepancies between national legislation and practice, between judicial decisions and administrative implementation.

129. Several speakers stressed the need to further strengthen cooperation with developing countries and to promote the exchange of information and experiences. Others highlighted the important contribution of UNICRI and the regional institutes for the prevention of crime and the treatment of offenders in the implementation of the standards and norms.

130. Reference was made to specific areas where the standards and norms were important, such as in the prevention and control of the sexual exploitation of children and juveniles, the treatment of prisoners, the protection of victims of crime and abuse of power and the protection of those facing the death penalty. One speaker, referring to possible areas for future standards, suggested such areas as corruption, illegal banking procedures and the criminal law for the protection of the environment.

131. With regard to the draft minimum rules for the administration of criminal justice, some speakers noted the difficulties involved in formulating rules that applied to different legal systems. They preferred an approach that focused more on individual sectors, such as penal procedure, the use of pre-trial detention, and the right to defence.

132. The Special Rapporteur of the Commission on Human Rights on the question of torture, or other such inhuman or degrading treatment or punishment, welcomed the questionnaires and the answers provided by Governments, but hoped that the two thirds of the Governments that had still not replied would do so as soon as possible. He questioned why in most of the report on the use and application of the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (E/CN.15/1996/16/Add.2), the names of the countries concerned had been omitted, even though generally the identities of respondents had been indicated in the reports. Another point of interest, as far as his mandate was concerned, was the reference in the report on the use and application of the Standard Minimum Rules for the Treatment of Prisoners (E/CN.15/1996/16/Add.1, para. 48) to the use of corporal punishment for infringements of prison discipline. He felt that it was important for the reports to be studied seriously by the Commission. The full information supplied by Governments should be available for this purpose, at least to the Commission and other relevant parts of the United Nations system. He supported the steps recommended by the Secretary-General in his report on United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1996/16, para. 103), especially as regards the establishment of a subgroup of the Commission to study the responses of Governments to the questionnaires.

133. The Special Rapporteur on the question of torture drew the attention of the Commission to the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting (E/CN.15/1996/16/Add.5), in which he had participated. He stressed that, in addition to proceeding with the drafting of a manual on victims, it was important to follow up the Integrated Plan of Action on Victims of Crime and Abuse of Power (A/CN.15/1996/16/Add.5, annex I) and other recommendations adopted by the Meeting.

134. The Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions noted several problems that had led to a discrepancy between existing laws and practice. Persons continued to die in prison under suspicious circumstances, and amnesties in some countries had resulted in authorities who had been responsible for capital punishment gaining impunity from prosecution. One positive element was that Member States had responded to allegations received by the Special Rapporteur, resulting in increased accountability.

135. A representative of the Centre for Human Rights emphasized the many examples of specific forms of cooperation between the Centre and the Crime Prevention and Criminal Justice Division in the application of international standards. He noted, however, that there was still room for further coordination and the strengthening of joint activities, for example in the delivery of advisory services and technical assistance, and in the field of juvenile justice. One of the challenges was to find the mechanisms appropriate to both sectors, including the necessary resources.

136. In summarizing the debate, the Chairman stated that all the speakers had underlined the importance of the United Nations standards and norms in crime prevention and criminal justice and the need to implement them in daily practice. Appreciation was expressed for the surveys and analyses of the standards and norms, which had yielded useful results. Practical measures were needed to overcome problems that might arise in the effective application of the standards and norms.

137. Proposals had been made to reinforce the capacity of the Programme to provide training, disseminate the standards and norms and make them more known to the public, as well as to make the collected information available on an electronic database, by criminal justice sector and by country. Strong support had also been expressed for the recommendations made in the reports of the Secretary-General on that item.

ACTION TAKEN BY THE COMMISSION

138. At its 15th meeting, on 31 May 1996, the Commission approved for adoption by the Economic and Social Council four draft resolutions, as originally proposed by working group IV (see annex III). The first draft resolution, entitled "Administration of juvenile justice" (E/CN.15/1996/L.9), was sponsored by Angola, Austria, Belgium, Bulgaria, Canada, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Egypt, Finland, Germany, Greece, India, Italy, Lebanon, Malta, Netherlands, Portugal, Romania, Russian Federation, Slovenia, South Africa, Spain, Tunisia and Uganda. The second revised draft resolution, entitled "Use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (E/CN.15/1996/L.16/Rev.1), was sponsored by Austria, Canada, Croatia, Finland, Netherlands, Philippines, Poland, Portugal, Uganda and United States of America. For the texts, see chapter I, section B, draft resolutions VII and VIII.

139. At its 16th meeting, on 31 May 1996, the Commission approved for adoption by the Economic and Social Council, as orally amended, a third draft resolution, entitled "Safeguards guaranteeing protection of the rights of those facing the death penalty" (E/CN.15/1996/L.17), sponsored by Angola, Austria, Croatia,

Germany, Greece, Italy, Malta, Netherlands, New Zealand, Portugal, South Africa and Spain. For the text, see chapter I, section B, draft resolution IX.

140. Following the approval for adoption of the resolution, the observer for Saudi Arabia drew attention to the difficulty of many participants to follow long oral amendments in the absence of a written text in all official languages. Such haste, he said, did not permit thorough examination of complex issues. The representative of Nigeria, invoking rule 55 of the rules of procedure of the functional commissions of the Economic and Social Council (E/5975/Rev.1), proposed to reconsider the resolution. On a motion under rule 48 by the representative of the Islamic Republic of Iran, the meeting was suspended to allow for informal consultations. When the meeting reconvened, the representative of Nigeria withdrew his proposal, but requested to place on record his Government's position that the resolution had not been adequately discussed before adoption.

141. Also at its 16th meeting, on 31 May 1996, the Commission approved for adoption by the Economic and Social Council, as orally amended, the fourth revised draft resolution, entitled "United Nations standards and norms in crime prevention and criminal justice" (E/CN.15/1996/L.15/Rev.1), sponsored by Angola, Austria, Canada, China, Costa Rica, Côte d'Ivoire, France, Germany, Greece, Hungary, Italy, Malta, Morocco, Netherlands, New Zealand, Portugal, Romania, Russian Federation, Saudi Arabia, Slovenia, South Africa, Swaziland, Sweden, Tunisia, Uganda and United Kingdom of Great Britain and Northern Ireland. For the text, see chapter I, section B, draft resolution X.

142. As recommended by the Chairman of working group III, the Commission adopted a decision entitled "Development of United Nations minimum rules for the administration of criminal justice". For the text, see chapter I, section D, decision 5/101.

Chapter VII

COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND OTHER ENTITIES

143. The Commission on Crime Prevention and Criminal Justice considered item 8 of its agenda at its 11th and 12th meetings, on 29 May. It had before it the following documents: report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice, including activities of the United Nations International Drug Control Programme (E/CN.15/1996/20); report of the Secretary-General on activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme Network (E/CN.15/1996/21 and Corr.1 and 2); and report of the Tenth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network, held at Courmayeur, Italy, from 17 to 18 October 1995 (E/CN.15/1996/CRP.2).

144. Agenda item 8 was introduced by the representative of the Secretariat, who noted the related documentation. She noted that the Commission was the main policy-making body of the United Nations in the field of crime prevention and criminal justice. The importance of cooperation and coordination of activities with other entities to avoid overlapping of mandates and inefficient use of resources was further highlighted by the severe financial constraints faced by the Organization. The Commission might therefore wish to look at how to strengthen inter-agency coordination, including the possible organization of an ad hoc inter-agency meeting to establish an institutional framework for closer cooperation and an electronic forum for inter-agency information sharing.

145. The second report contained an overview of progress achieved by the United Nations Crime Prevention and Criminal Justice Programme network. It reflected for the first time the activities of two new associate institutes, the National Institute of Justice of the United States Department of Justice and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. She indicated that the Commission might wish to look at the type of information provided by the institutes to determine the usefulness of the current format for the preparation of the report. It might also wish to consider the support given by the network of institutes to the Division in the implementation of the mandates of the Programme and to suggest ways of optimizing the operation of the network. Finally, the Commission might wish to explore the possibility of finding new partners, for example in the private sector, and of an enhanced role of the community of non-governmental organizations.

146. Several speakers referred to coordination and cooperation within the United Nations system, in particular to the importance of coordination with UNDCP. The need for coordination with all agencies arose because of the broad range of areas dealt with by the United Nations Crime Prevention and Criminal Justice Programme, and thus by the possible overlap with the work of other United Nations bodies and agencies.

147. In respect of coordination with the Centre for Human Rights, areas of common interest included the independence of the judiciary, the right to a fair trial, the role of criminal law in the protection of the environment, juveniles in detention, violence against women and children, illegal trafficking in minors and migrant workers, impunity and standard-setting activities. The Division had participated in the development of training programmes of the Centre for Human Rights, in courses and seminars offered in various countries, in advisory services offered by the Centre, and in the development of training manuals for human rights in the administration of justice. With regard to coordination with the Department of Peace-Keeping Operations, it was noted that in post-conflict situations, the role of civilian police officers in United Nations peace-keeping operations was increasing. The Division could help in the restoration of a criminal justice system,

for example in the development of the necessary legislation and in training. In addition, reference was also made to plans for an international seminar, to be held in Kyrgyzstan from 10 to 12 June 1996, on organized crime and drug trafficking. The seminar had been organized in cooperation between the Division, UNDCP and the Organization for Security and Co-operation in Europe.

148. The strengthening of coordination and cooperation within the United Nations Crime Prevention and Criminal Justice Programme network was described, and several speakers commended individual institutes for the work that they had undertaken together with Member States, intergovernmental and non-governmental organizations and other entities. One speaker urged Member States to make even more effective use of the expertise available through the institutes. Another speaker noted that the International Scientific and Professional Advisory Council would be organizing an international conference on migration and crime at Courmayeur, Italy, from 5 to 8 October 1996.

149. Several speakers referred to the importance of improving the flow of information between the different entities. The National Institute of Justice of the United States Department of Justice was commended for its efforts to improve the communication and networking capacity of the Programme network, in the form of the United Nations On-line Crime and Justice Clearing-house. It was noted that the data accessible on the network would also be made available to Member States. Reference was further made to the efforts to establish a clearing-house on relevant international training and technical assistance programmes, based on the pilot programme conducted in central and eastern Europe by the European Institute for Crime Prevention and Control, affiliated with the United Nations.

150. Several speakers referred to the need for coordination and cooperation with other entities. The observer for the World Bank outlined activities of the World Bank that had a direct relevance to the United Nations Crime Prevention and Criminal Justice Programme. Those activities included support for legal and judicial reforms, activities involving governance and the prevention and control of corruption, and support for environmental law. They were carried out within the mandate of the World Bank, which consisted in facilitating public and private investment and the promotion of international trade.

151. One speaker noted the importance of closer cooperation with professional associations such as the International Association of Penal Law, the International Society of Criminology and the World Society of Victimology. The work of the Central American Integration System was described by one speaker, who referred to the work in progress on the creation of a regional security model for greater integration, in the form of a draft treaty for democracy and security in Central America. He expressed his appreciation to the Commission and the Secretariat for supporting Central American integration. Another speaker described the work of the Asian-African Legal Consultative Committee, which sought to deal with some of the issues on the agenda of the Commission at the regional and subregional level. One of the primary concerns of the Committee was the promotion of mutual assistance in judicial cooperation.

152. In response to questions regarding a possible combining of agenda item 6 (on technical cooperation and strengthening of the United Nations Crime Prevention and Criminal Justice Programme) and agenda item 8 (on cooperation and coordination of activities with other United Nations bodies and other entities), the representative of the Secretariat agreed that the items could be combined in order to avoid possible duplication and overlapping. He further noted that the proposal made by the Director-General for the establishment of an informal framework for cooperation could be combined with the proposal made by the Secretary-General, and supported by some speakers, for the possible organization of an ad hoc inter-agency meeting to establish an institutional framework for closer cooperation.

153. One speaker, noting that there were both financial and substantive reasons for the Commission to take a cautious approach to entering areas where other bodies were already carrying out work, suggested that proposals for coordination in areas that were primarily within the competence of other such bodies should be subject to prior consultation with those bodies.

154. One speaker made several recommendations for enhancing general cooperation among Member States, including the following: the design of model agreements for the exchange of technical and operational activities between countries; the further extension of model agreements for the extradition of offenders; highlighting of the importance of extraditing international drug traffickers and offenders; the promotion of technical cooperation arrangements between developed and developing countries in crime prevention; and increasing recourse to mediation by the United Nations in providing for mutual legal assistance and promoting understanding between countries lacking regional cooperation agreements.

155. The Chairman summarized the discussion on agenda item 8 by noting that a number of speakers had emphasized the need for closer cooperation and coordination, regionally as well as globally, of the activities of Member States, the Division and other United Nations bodies and relevant international actors. The importance of increased inter-agency cooperation was stressed, and the closer links between the United Nations Crime Prevention and Criminal Justice Programme and UNDCP were commended. Coordination and cooperation were particularly called for in the prevention and control of organized transnational crime. Special reference was made to the role of the United Nations Crime Prevention and Criminal Justice Programme in providing assistance for the training of civilian police contingents by United Nations peace-keeping operations. Several speakers also mentioned the important contributions of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network.

Chapter VIII

PLAN FOR STRATEGIC MANAGEMENT AND PROGRAMME QUESTIONS

156. The Commission considered items 9 and 10 of its agenda at its 13th meeting, on 30 May 1996. It had before it the following documents: (a) report of the Secretary-General on strategic management of the United Nations Crime Prevention and Criminal Justice Programme (E/CN.15/1996/22); and (b) contribution to the draft medium-term plan for the period 1998-2001 covering programme 8 (Crime prevention and criminal justice) (E/CN.15/1996/CRP.3).

157. Agenda items 9 and 10 were introduced by the representative of the Secretariat. She invited Member States to comment on the plan, which was the principal policy directive for the United Nations Crime Prevention and Criminal Justice Programme and the basis for the formulation of the biennial programme budgets. The six objectives specified in the proposed medium-term plan could represent the priority themes of the Programme for the period 1998-2001.

158. The report of the Secretary-General on strategic management of the Programme (E/CN.15/1996/22) described the parameters for, and identified several issues that needed to be addressed in respect of, the strategic management of the Programme. She noted that one management tool still missing would make it possible to assess the impact of the activities of the Programme.

159. She drew attention to the contradiction between the static or dwindling resources available and the increase in the number of mandates. An appropriate balance had to be found between parliamentary services and the use of resources for the implementation of other mandates, including the provision of direct services to Member States. The closely related issue of the Secretariat-wide efficiency review currently in progress was also mentioned.

160. The report of the Secretary-General, described by one speaker as providing comprehensive guidance for the years to come, was widely commended. It was noted that some of the proposals made in the report were included in the draft resolution on the plan for strategic management by the Commission of the Programme (E/CN.15/1996/L.14) and its different elements were explained.

161. It was suggested that the six objectives articulated in the annex to the medium-term plan could serve as the basis for the identification of programme priorities. One speaker suggested that, given the importance of the issue, the regulation of firearms should be reflected in the text of the medium-term plan.

162. Wide appreciation was expressed for the quality of the work that had been carried out by the Secretariat, such as the preparation of the documentation for the Commission at its fifth session. The upgrading of the Crime Prevention and Criminal Justice Branch into the Crime Prevention and Criminal Justice Division, as noted in connection with earlier agenda items, was widely welcomed. The disparity, however, between the call of the General Assembly for the upgrading of the Programme, on the one hand, and the reality of available resources, on the other, was pointed out by many speakers. Concern was expressed that, as part of the system-wide reductions amounting to 150,000,000 United States dollars, the Division had to reduce costs by $276,700. The representative of the Secretariat noted that that had not only led to an above-average vacancy rate among Professional staff positions, it had also required the deferment of a number of activities, as described in document E/CN.15/1996/CRP.16.

163. Several speakers observed that the Commission had made clear progress in its strategic management work. Issues deserving priority attention were being identified, cooperation with other entities was being

strengthened, and the mechanics of the work of the Commission were being refined. None the less, it was noted that the Commission was still in an evolutionary stage, and more work was needed. There was agreement to make better use of the bureau during the inter-sessional period.

164. There was broad consensus on the need to reduce the number of reports requested for subsequent sessions of the Commission, the number of draft resolutions and, eventually, the number of agenda items. Several speakers pointed out the danger of an imbalance between resources devoted to servicing the Commission and resources devoted to practical action.

165. Some speakers noted that the Commission had still not clearly addressed the question of how emerging issues were to be prioritized, and what the implications of this prioritization would be. One speaker noted that the language used in draft resolutions on those issues was varied and that it was not clear, in a situation where mandates were proliferating and resources for their implementation were limited, which should take precedence. Several speakers called for closer alignment of priorities, the medium-term plan and the programme budget.

166. It was also suggested by several speakers that draft resolutions should be submitted prior to the sessions of the Commission, so that they could be carefully studied in advance, utilizing the required legal and technical expertise. One speaker further urged Member States that had concerns about draft resolutions to contact the sponsors before the start of the session, if possible. One speaker noted that, should a draft resolution deal with an issue that was primarily within the competence of another United Nations body, the opinion of that body should be requested before any action was taken regarding the draft.

167. There was considerable discussion of Commission resolution 4/3, on the provision of information in accordance with the plan for strategic management, elaborated in Commission resolution 1/1, annex. One speaker expressed the view that resolution 4/3 was somewhat vague. For example, it was not clear whether the plan for strategic management was to be considered as part of the related draft resolution and would thus have to be adopted. Some other speakers expressed their concern that rigorous implementation of resolution 4/3 might hinder the consideration of draft resolutions. However, there was general agreement on the value of the information that was to be supplied in the plan for strategic management and on the importance of implementing resolution 4/3. One speaker noted that preparation of the plans by sponsoring Member States had at least two benefits. First, it focused the attention of Member States on such issues as the specification of the activity desired, the financial implications of the proposal and the possible source of funding. Secondly, as the same speaker had observed during the fourth session of the Commission, the provision of such information to other Member States had expedited consideration of the draft resolutions in question.

168. One speaker, speaking on behalf of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, drew attention to the financial difficulties faced by a number of the institutes. He noted that the institutes were both essential to the Programme and instrumental in the development of practically oriented activities and emphasized their readiness to be of service to the Commission. He suggested that if the Commission wished to have the participation of elements of the Programme network in a project, that could be dealt with in preparing the plans for strategic management envisaged in Commission resolution 4/3. He proposed conditions that the Commission might take into account in that regard, including the following: the funding for the proposed activity was not envisaged in the medium-term plan, or alternatively, an activity included in the regular programme needed to be expanded, but the required additional resources could not be allocated; there was consensus on the involvement of one or more of the institutes in the activity; the cost of the proposed activity could not be covered within the

framework of the approved plans and budget of the Secretariat or of the institutes; and the costs of the proposed activity were beyond the usual regular and reasonable administration costs of the institute.

169. In summarizing the discussion, the Chairman noted that the issues raised included the medium-term plan, the impact of the ongoing cost-saving measures within the United Nations, as well as the proposals made by the Secretary-General on the enhancement of the efficiency, the working methods and the plan for strategic management of the Commission. In respect of the proposed medium-term plan, it had been suggested that the six objectives articulated in the annex to document E/CN.15/1996/CRP.3 could serve as the basis for the identification of priority themes. It was felt that the proposed medium-term plan focused only on objectives, but did not contain an account of specific activities. On the proposal of some delegations, the Commission had recommended that the issue of firearms regulation should be incorporated into the medium-term plan.

170. Concern had been expressed regarding the severe impact of the across-the-board cuts on the work of the Division. The disparity between the call of the General Assembly for the upgrading of the Programme, on the one hand, and the actual available resources, on the other, had been pointed out by the Commission. The Commission had called for a careful allocation of resources among the budget sections, taking into account the priority considerations underlying the decision of the General Assembly to increase staff resources in the relevant budget section, specifically section 13 (Crime control), where two additional Professional posts had been approved for the current biennium. The Commission had acknowledged that the deferment of certain activities, in particular the organization of three expert group meetings, would negatively affect the substantive work of the Commission.

171. The Commission had considered that it should continue to meet annually. It had also considered that any efficiency review affecting the work of the Commission and the content of the Programme should be implemented taking into account the role of the Commission. Furthermore, the Commission had requested the Secretary-General to ensure that any programmatic changes based on the application of the plan for strategic management should be reflected in the medium-term plan and the programme budget of the United Nations. In that regard, the Secretary-General had also been requested to take appropriate steps, notably the timely issuance of the relevant programme budget implications.

172. With regard to the work of the Commission, there had been wide agreement on the need to reduce the number of reports requested for subsequent sessions of the Commission, the number of draft resolutions and, eventually, the number of agenda items. There had also been agreement on making better use of the bureau during the inter-sessional period and on requesting that draft resolutions be submitted to the Secretariat prior to sessions of the Commission, for example one month in advance. The Commission had decided that the bureau should undertake inter-sessional consultations to recommend ways to reduce the number of resolutions and agenda items, together with the modalities for the preparation of the next session, with the assistance of the representatives of the Secretary-General. Finally, the Chairman noted that there had been considerable discussion of what information should be provided when draft resolutions were considered, in accordance with Commission resolutions 1/1 and 4/3. Although such information would be useful in the consideration of draft resolutions, it should not be deemed an integral part of each draft, but should be submitted to facilitate the consideration of the relevant proposals. The primary responsibility for providing the information lay with the sponsoring Member States, and the bureau should advise the Commission whether or not the procedural requirements of resolution 4/3 to submit relevant information were met.

173. The Commission had discussed the usefulness of the information required under the terms of resolution 4/3, annex, and had recognized its value in clarifying possible cost implications and the availability of resources, particularly extrabudgetary resources. Nevertheless, the Commission had decided to keep under

review its effectiveness in establishing overall priorities among the activities to be undertaken by the Programme, in view of the evolutionary stage of the strategic management approach. It was noted that strategic management plans had been prepared and considered by the Commission for most of the 15 draft resolutions.

174. At its 16th meeting, on 31 May 1996, the Commission adopted, as orally amended, a revised draft resolution entitled "Strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations Crime Prevention and Criminal Justice Programme" (E/CN.15/1996/L.14), sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Finland, France, Germany, Guatemala, Greece, Japan, Mexico, Morocco, Nicaragua, Republic of Korea, Saudi Arabia, Spain, United States of America and Venezuela. For the text, see chapter I, section D, resolution 5/3.

Chapter IX

PROVISIONAL AGENDA FOR THE SIXTH SESSION OF THE COMMISSION

175. The Commission considered agenda item 11, entitled "Provisional agenda for the sixth session of the Commission", at its 16th meeting, on 31 May 1996. For its consideration of the item, the Commission had before it draft decisions submitted by the Chairman entitled "Organization of work for the sixth session of the Commission" (E/CN.15/1996/L.19) and "Report of the Commission on Crime Prevention and Criminal Justice at its fifth session and provisional agenda and documentation for the sixth session of the Commission" (E/CN.15/1996/L.20).

176. The Officer-in-Charge of the Crime Prevention and Criminal Justice Division made an introductory statement.

177. Following statements by Colombia and Japan, the Commission approved the two draft decisions for submission to the Economic and Social Council for adoption. For the texts, see chapter I, section C, draft decisions I and II.

Chapter X

ADOPTION OF THE REPORT OF THE COMMISSION ON ITS FIFTH SESSION

178. At its 16th meeting, on 31 May 1996, the Commission adopted by consensus the report on its fifth session (E/CN.15/1996/L.1 and Add.1-8).

Chapter XI

ORGANIZATION OF THE SESSION

A. Opening and duration of the session

179. The Commission on Crime Prevention and Criminal Justice held its fifth session at Vienna from 21 to 31 May 1996. The Commission held 16 plenary meetings. The Committee of the Whole and the four working groups approved by the Economic and Social Council held their meetings parallel with the plenary.

180. The fifth session was opened by the outgoing Chairman of the fourth session, Ferdinand Mayrhofer-Grünbühel (Austria). In a welcoming statement, he emphasized a number of issues that continued to require the close attention of the Commission: the strategic management of the Programme with particular regard to developing and funding both operational and core activities; the interaction between United Nations congresses on the prevention of crime and the treatment of offenders and the Commission; the need to review the selection of priorities and to continue the inter-sessional dialogue between the Crime Prevention and Criminal Justice Division and the bureau of the Commission; and the further identification of the role of the network of institutes.

B. Attendance

181. The fifth session was attended by representatives of 36 States members of the Commission (Burundi, Malawi, the United Republic of Tanzania and Zaire were not represented), by observers for 67 other States and by representatives of 8 bodies of the United Nations, 3 specialized agencies, 8 intergovernmental organizations, 39 non-governmental organizations and 10 affiliated regional institutes and associated institutes. A list of participants is given in annex I to the present report.

C. Election of officers

182. At its 1st meeting, on 21 May 1996, the Commission elected the following officers by acclamation:

Chairman:	Tadanori Inomata (Japan)
Vice-Chairmen:	Elías Jassan (Argentina) Dariusz Manczyk (Poland) Mohamed El Fadhel Khalil (Tunisia)
Rapporteur:	Matti Joutsen (Finland)

183. The elected officers constituted the bureau of the Commission, which met 7 times during the session to consider matters relating to the organization of work.

184. In an opening statement the Chairman of the fifth session noted that, although the amount of criminal activity and the cost of crime to society were increasing, national expenditure on the management of criminal justice operations appeared to be decreasing in real terms. At the same time, the resources available to the Programme appeared to be shrinking, even though the General Assembly at its fiftieth session had recommended strengthening the Programme. That was due in part to the cost-saving measures taken by the Secretary-General, measures that were not "case-sensitive" and that affected all budget sections equally. He

suggested that the Commission at its fifth session should consider ways to convey its views to the General Assembly, which was currently reviewing the matter.

185. The Deputy to the Director-General of the United Nations Office at Vienna also addressed the Commission at its 1st meeting, emphasizing the challenges posed by the new forms and dimensions of crime. He stated that the preceding five years, which had ushered in major political and economic transformation in many parts of the world, had been particularly significant for the Programme, which had become increasingly involved in training and peace-keeping activities. Even though recent financial constraints had not permitted the full implementation of the upgrading of the Crime Prevention and Criminal Justice Branch into a division, the World Ministerial Conference on Organized Transnational Crime, the Ninth Congress and the General Assembly, particularly in its resolution 50/146, all reflected the increased recognition given to the importance of work in that field.

D. Agenda and organization of work

186. At its 1st meeting, on 21 May, the Commission adopted by consensus its provisional agenda (E/CN.15/1996/1), which had been agreed on by the Commission at its fourth session and approved by the Council in its decision 1995/243. The agenda was as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Review of priority themes.
4. Measures to regulate firearms.
5. Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.
6. Technical cooperation and strengthening of the United Nations Crime Prevention and Criminal Justice Programme.
7. United Nations standards and norms in the field of crime prevention and criminal justice.
8. Cooperation and coordination of activities with other United Nations bodies and other entities.
9. Plan for strategic management.
10. Programme questions.
11. Provisional agenda for the sixth session of the Commission.
12. Adoption of the report of the Commission on its fifth session.

187. At the same meeting, the Commission adopted a revised organization of work for the session (E/CN.15/1996/CRP.6 and Corr.1), which included two meetings each for working groups I and II, three each for working groups III and IV and four for the Committee of the Whole. The reports of the four working groups are reproduced in annex III.

E. Documentation

188. The documents before the Commission are listed in annex II to the present report.

Annex I*

ATTENDANCE

Members

Angola:	F.L. De Figueiredo, Agostinho Domingos, Teresa Rodrigues Dias, Joao Baptista Da Costa, Jorge De Mendonca, Valmiro Da Cruz Verdades, Augusto André Manuel Melo
Argentina:	Elías Jassan, Mariano Ciafardini, Eugenio María Curia, Gustavo Adolfo de Paoli, Graciela Scarnati Almada, Esteban Marino, Patricia Guzman, Jorge Casanova, Eduardo Riggi, Marcelo Jalil
Austria:	Ferdinand Mayrhofer-Grünbühel, Roland Miklau, Franz Brenner, Thomas Grünewald, Gerhard Reiweger, Irene Gartner, Evelyn Brown, Christina Kokkinakis, Andreas Rendl
Belarus:	Valyantsin Fisenka, Valeriy Zhanovich, Igar Shaladonau
Brazil:	Sandra Valle, José Jorge Alcazar Almeida, Damasio E. De Jesus, Miguel Do Espirito Santo, Alexandre Kotzias Peixoto
Canada:	Peter F. Walker, Philip MacKinnon, John T. Holmes, Donald K. Piragoff, Liliana Longo, Elaine Scott, Denyse Dufresne, Jamie Deacon
China:	Zhang Fusen, Li Changhe, Wu Yanshi, Guo Jianan, Yang Yuguan, Wang Donghua, Wang Fan, Zhang Yue, Zhang Yankun, Bai Ping
Colombia:	Carlos Bula Camacho, Jaime Cabrera Bedoya, Alberto Rueda, Adriana Mendoza, Sandra Alzate Cifuentes, Alicia Fernanda Quijano, Enrique Celis
Congo:	Guy Jean Claude Okoulatsongo
Costa Rica:	Maureen Clarke, Stella Aviram Neuman, Luis Paulino Mora, Ricardo Zeledon, Manuel Dengo Benavides
Cuba:	Zenaida Osorio Vizcaino, Alberto Velazco San Jose, Nery Rodrigues Perez
Finland:	Jaakko Halttunen, Matti Joutsen, Kaarle Lehmus, Reijo Pöyhönen, Kauko Aromaa
France:	Jean-Michel Dasque, Daniel Labrosse, Jean-Pierre Picca, Emmanuel Barbe, François Poinsot, Bruno Guerquin, Eugéne Kouznetzoff, Isabelle Couzy, Vincent Delbos, Lionel Benaiche, René Bregeon, Alain Bianchi, M. Giannone

*Burundi, Malawi, the United Republic of Tanzania and Zaire were not represented at the session.

Germany:	Karl Borchard, Konrad Hobe, Alfred Protz, Elki Schmitz, Rainer Hofmeyer, Markus Potzel, Gerda Buchalla, Gabriele Scholz
Hungary:	Imre Kertesz, Ildikó Kollar, Győző Somogyi, Akos Kara
Indonesia:	Lies Sugondo, Soemarsono, Army Boer, I. Gde Djelantik, Djoko Sarwoko, Anita Lantu Luhulima
Iran (Islamic Republic of):	Mohammad Hassan Fadayefard, Hossein-Reza Karamipour, Mehdi Mir Afzal, Amir Zamaninia, Abbas-Ali Rahimi-Isfahani, Mehdi Hamzaie, Ali M. Mousavi, Bahram Badiozamani
Italy:	Giovanni Maria Flick, Alberto Indelicato, Francesco Di Maggio, Achille Amerio, Vittorio Mele, Gioacchino Polimeni, Silvia Della Monica, Paolo Mancuso, Piercamillo Davigo, Ersilia Calvanese, Antonio Caselli, Carmine Corvo, Salvatore Gugliemino, Elisabetta Belgiorno, Bruno Frattasi, Claudio Vaccaro, Pierluigi Faloni
Japan:	Yuki Furuta, Tadanori Inomata, Jiro Ono, Hiroshi Azuma, Goro Aoki, Toru Miura, Soichiro Isobe, Hirokazu Urata, Masao Fujimoto, Hideaki Mori, Akira Ando, Kiyomi Ito, Kikuko Kato
Madagascar:	Victor Ramanitra
Malaysia:	Samsuri Bin Arshad, Shaharuddin Mohd. Som, Azisman Alias, Azahar Mohamed
Mexico:	Roberta Lajous, Mercedes Ruiz, Victor Arriaga, Norma Pensado Moreno, María de la Luz Lima Malvido
Morocco:	Abderrahim Benmoussa, Omar Doumou, Souriya Otmani, Mohamed Abkari
Nicaragua:	Xavier Argüello H., Suyapa I. Padilla
Nigeria:	Wilcox Enyinna Ekenta
Pakistan:	J.H. Mohsin, Masuma Hasan, A. Rehman Malik, M. Shoaib Suddle, Mushtaq Ali Shah
Paraguay:	Carlos Peyrat, Ana Isabel Rodriguez Baez
Poland:	Jerzy M. Nowak, Bozena Kowalezyk, Dariusz Manczyk, Barbara Makosa-Stepkowska, Krzysztof Poklewski-Koziell, Janusz Potocki, Jaroslaw Strejczek
Republic of Korea:	Ho-Jin Lee, Chang-young Jun, Kun-Jong Lee, Woong-Soon Lim, Doo-Soon Park

Russian Federation:	Igor N. Kozhevnikov, Oleg M. Sokolov, Vladimir A. Pavlinov, Yuri V. Golik, Servei B. Shestakov, Victor S. Dolmatov, Natalya Y. Goltsova, Alexander V. Zinevitch, Anatoliy G. Radatchinski, Katherine N. Panyushkina
Sri Lanka:	N.M.W.N. Bandara
Sudan:	Abdel Rahman Ibrahim Elkhalifa, Ahmed Abdelhalim, Adam Yousif Mohamed Mohamedain, Anas Eltayeb Elgailani
Thailand:	Kanit Na Nakorn, Nipaporn Rujjanarong, Kittipong Kittayarak, Charnachao Chaiyanukit, Somjai Kesornsiricharoen, Chaiyaphat Chinnawongs, Rutt Chumdermpadetsuk
Tunisia:	Mohamed El Fadhel Khalil, Taoufik Jabeur, Mohamed Lejmi, Slaheddine Dhambri, Tahar Fellous, Emna Lazoughli
Uganda:	Joseph A. Etima, Alfred P.W. Nasaba, Kurt Neudek
United States of America:	Jonathan Winer, John B. Ritch III, Joseph Snyder, Drew Arena, Elizabeth Bresee, Debra Diener, Henry Ensher, Kenneth Harris, Thomas A. Johnson, Richard Rawlins, Raymond Snider, Beverly Z. Zweiben, Jeremy Travis, Keith Walton, David Benner

States Members of the United Nations represented by observers

Algeria, Australia, Azerbaijan, Bahrain, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cameroon, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Gabon, Greece, Guatemala, India, Iraq, Ireland, Israel, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Libyan Arab Jamahirya, Luxembourg, Malta, Namibia, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam, Yemen

Non-member States represented by observers

Holy See, Switzerland

United Nations

Centre for Human Rights, Special Rapporteur of the Commission on Human Rights on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment, the Special Raapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Department of Peace-keeping Operations, Department for Policy Coordination and Sustainable Development, Division for the Advancement of Women, Office of the

Under-Secretary-General for Development Support and Management Services, Office of the United Nations High Commissioner for Refugees, United Nations International Drug Control Programme, United Nations Interregional Crime and Justice Research Institute

Affiliated regional institutes and associated institutes

Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Latin American Institute for the Prevention of Crime and the Treatment of Offenders, European Institute for Crime Prevention and Control affiliated with the United Nations, African Institute for the Prevention of Crime and the Treatment of Offenders, Arab Security Studies and Training Centre, International Centre for Criminal Law Reform and Criminal Justice Policy, International Scientific and Professional Advisory Council, International Institute of Higher Studies in Criminal Sciences, Raoul Wallenberg Institute, National Institute of Justice

Specialized agencies

United Nations Educational Scientific and Cultural Organization, World Bank, Universal Postal Union

Intergovernmental organizations represented by observers

Asian-African Legal Consultative Committee, Council of Arab Ministers of the Interior, Council of Europe, European Commission, EUROPOL Drugs Unit, International Criminal Police Organization, International Organization for Migration, League of Arab States, Financial Action Task Force of the Organisation for Economic Co-operation and Development, Organization for Security and Co-operation in Europe

Other organizations represented by observers

Palestine

Non-governmental organizations

Category I: International Alliance of Women, International Council of Women, International Federation of Business and Professional Women, Inter-Parliamentary Union, World Confederation of Labour, World Muslim Congress, Zonta International

Category II: Amnesty International, Asia Crime Prevention Foundation, Association for the Study of the World Refugee Problem, Baha'i International Community, Caritas Internationalis (International Confederation of Catholic Charities), Centro Nazionale di Prevenzione e Difesa Sociale, Friends World Committee for Consultation, General Arab Women Federation, Howard League for Penal Reform, International Association of Judges, International Association of Juvenile and Family Court Magistrates, International Association of Penal Law, International Bar Association, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Community Corrections Association, International Council of Environmental Law, International Council on Alcohol and Addictions, International Federation of University Women, International Federation of Women Lawyers, International League for Human Rights, International Society of Social Defense, Mediterranean Women's Studies Institute, Pax Romana (International Catholic

Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students), Penal Reform International, World Association of Girl Guides and Girl Scouts, World Leisure and Recreation Association, World Organization of the Scout Movement (World Scout Bureau), World Society of Victimology

Roster: Congress of Racial Equality, International Council of Psychologists, International Human Rights Association of American Minorities

Annex II

LIST OF DOCUMENTS BEFORE THE COMMISSION AT ITS FIFTH SESSION

Document number	Agenda item	Title or description
E/CN.15/1996/1	2	Provisional agenda
E/CN.15/1996/2	3	Report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime
E/CN.15/1996/2/Add.1	3	Addendum to the report of the Secretary-General: recommendations of the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995
E/CN.15/1996/3	3	Report of the Secretary-General on control of the proceeds of crime
E/CN.15/1996/4 and Add.1	3	Report of the Secretary-General on measures to combat the smuggling of illegal migrants
E/CN.15/1996/5	3	Report of the Secretary-General on action against corruption
E/CN.15/1996/6	3	Note by the Secretary-General on arrangements for convening an intergovernmental expert group to examine practical recommendations for the further development and promotion of mechanisms of international cooperation, including the United Nations model treaties on international cooperation in criminal matters, and for the development of model legislation on extradition and related forms of international cooperation
E/CN.15/1996/7 and Corr.1	3	Report of the Secretary-General on links between transnational organized crime and terrorist crimes
E/CN.15/1996/8 and Corr.1	3 and 6	Report of the Secretary-General on technical cooperation and advisory services for the United Nations crime prevention and criminal justice programme

Document number	Agenda item	Title or description
E/CN.15/1996/9 and Corr.1	3	Note by the Secretary-General on the establishment of a regional centre for training and research in crime prevention and criminal justice for the Mediterranean States
E/CN.15/1996/10	3	Report of the Secretary-General on children as victims and perpetrators of crime
E/CN.15/1996/11 and Corr.1	3	Report of the Secretary-General on a draft plan of action on the elimination of violence against women
E/CN.15/1996/12 and Corr.1	3	Report of the Secretary-General on practical measures in the field of crime prevention and criminal justice to eliminate violence against women
E/CN.15/1996/13 and Corr.1	3	Report of the Secretary-General on a draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system
E/CN.15/1996/14 and Corr.1	4	Report of the Secretary-General on measures to regulate firearms
E/CN.15/1996/15	5	Report of the Secretary-General on proposals for the preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
E/CN.15/1996/16	7	Report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice
E/CN.15/1996/16/Add.1	7	Addendum to the report of the Secretary-General: use and application of the Standard Minimum Rules for the Treatment of Prisoners
E/CN.15/1996/16/Add.2	7	Addendum to the report of the Secretary-General: use and application of the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
E/CN.15/1996/16/Add.3	7	Addendum to the report of the Secretary-General: use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

Document number	Agenda item	Title or description
E/CN.15/1996/16/Add.4	7	Addendum to the report of the Secretary-General: use and application of the Basic Principles on the Independence of the Judiciary
E/CN.15/1996/16/Add.5	7	Addendum to the report of the Secretary-General: recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting
E/CN.15/1996/17	7	Note by the Secretary-General on the draft questionnaire on United Nations juvenile justice standards and norms
E/CN.15/1996/18	7	Report of the Secretary-General on the development of minimum rules for the administration of criminal justice
E/CN.15/1996/19	7	Report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty
E/CN.15/1996/20	8	Report of the Secretary-General on cooperation and coordination of activities in crime prevention and criminal justice, including activities of the United Nations International Drug Control Programme
E/CN.15/1996/21 and Corr.1 and Corr.2	8	Report of the Secretary-General on activities of the institutes comprising the United Nations crime prevention and criminal justice programme network
E/CN.15/1996/22	9	Report of the Secretary-General on strategic management of the United Nations crime prevention and criminal justice programme
E/CN.15/1996/23	3	Note dated 15 May 1996 from the Permanent Representative of the Permanent Mission of the Syrian Arab Republic to the United Nations (Vienna) addressed to the Secretary-General
E/CN.15/1996/CRP.1	7	Report of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995

Document number	Agenda item	Title or description
E/CN.15/1996/CRP.2	8	Report of the Tenth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network, held at Courmayeur, Italy, from 17 to 18 October 1995
E/CN.15/1996/CRP.3	9 and 10	Contribution to the draft medium-term plan for the period 1998-2001 covering programme 8 (Crime prevention and criminal justice)
E/CN.15/1996/CRP.4	3	Monograph on capacity building in criminal enforcement of environmental law
E/CN.15/1996/CRP.5	4	United Nations survey on firearms regulation: guidelines and questionnaire
E/CN.15/1996/CRP.6 and Corr.1	2	Adoption of the agenda and organization of work
E/CN.15/1996/CRP.7 and Corr.1	6	United Nations crime prevention and criminal justice programme in the context of peace-keeping and peace-building
E/CN.15/1996/CRP.8	3	Working group IV: report by Mohamed El Fadhel Khalil (Tunisia)
E/CN.15/1996/CRP.9	4	Measures to regulate firearms
E/CN.15/1996/CRP.10	6	Technical cooperation and strengthening of the crime prevention and criminal justice programme
E/CN.15/1996/CRP.11	7	Draft questionnaire on the use and application of United Nations standards and norms in juvenile justice
E/CN.15.1996/CRP.12	3	Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women
E/CN.15.1996/CRP.13	3	Working group III: United Nations standards and norms; report by Dariusz Manczyk (Poland)
E/CN.15.1996/CRP.14	3	Working group II: links between transnational organized crime and terrorist crimes; report by Elías Jassan (Argentina)
E/CN.15/1996/CRP.15	3	Working group I: implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

Document number	Agenda item	Title or description
E/CN.15.1996/CRP.16	10	Programme questions: impact of mandatory cuts in the regular budget of the United Nations for the biennium 1996-1997 on the work of the Crime Prevention and Criminal Justice Division
E/CN.15/1996/NGO/1	3	Statement submitted by the Inter-Parliamentary Union
E/CN.15/1996/NGO/2	5 and 6	Statement submitted by the Asia Crime Prevention Foundation
E/CN.15/1996/L.1 and Add.1-8	12	Adoption of the report of the Commission on its fifth session
E/CN.15/1996/L.2	3	Turkey and United States of America: draft resolution
E/CN.15/1996/L.2/Rev.2	3	Turkey and United States of America: revised draft resolution
E/CN.15/1996/L.3	5	Austria: draft resolution
E/CN.15/1996/L.4	3	Costa Rica: draft resolution
E/CN.15/1996/L.5	3	United States of America: draft resolution
E/CN.15/1996/L.5/Rev.1	3	Poland and United States of America: revised draft resolution
E/CN.15/1996/L.6	3	United States of America: draft resolution
E/CN.15/1996/L.7	3	Argentina, Brazil, Colombia, Finland, Netherlands, Nicaragua and Uganda: draft resolution
E/CN.15/1996/L.8	3	Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Guatemala, Nicaragua, Paraguay and Uruguay: draft resolution
E/CN.15/1996/L.8/Rev.1	3	Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Nicaragua, Paraguay and Uruguay: revised draft resolution
E/CN.15/1996/L.9	7	Austria, Germany, Italy and Netherlands: draft resolution
E/CN.15/1996/L.10	3	Australia, Canada, Finland, Germany, Israel, Netherlands, New Zealand, Russian Federation, South Africa, Sweden and United States of America: draft resolution
E/CN.15/1996/L.11	3	Argentina and Italy: draft resolution
E/CN.15/1996/L.12	3	Angola and Netherlands: draft resolution

Document number	Agenda item	Title or description
E/CN.15/1996/L.12/Rev.1	3	Angola, Netherlands and Uganda: revised draft resolution
E/CN.15/1996/L.13	4	Canada, Italy, Japan, Philippines, Republic of Korea, Russian Federation and Sweden: draft resolution
E/CN.15/1996/L.14	9	Argentina, Austria, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Germany, Greece, Mexico, Nicaragua, Venezuela and United States of America: draft resolution
E/CN.15/1996/L.15	7	Angola, Austria, China, Hungary, Malta, Portugal, Romania, South Africa, Swaziland, Sweden, Tunisia and Uganda: draft resolution
E/CN.15/1996/L.15/Rev.1	7	Angola, Austria, China, Costa Rica, Hungary, Italy, Malta, Morocco, Netherlands, New Zealand, Portugal, Romania, South Africa, Swaziland, Sweden, Tunisia, Uganda and United Kingdom of Great Britain and Northern Ireland: revised draft resolution
E/CN.15/1996/L.16	7	Canada, Finland, Netherlands, Philippines, Poland, Portugal and Uganda: draft resolution
E/CN.15/1996/L.16/Rev.1	7	Canada, Finland, Netherlands, Philippines, Poland, Portugal, Uganda and United States of America: revised draft resolution
E/CN.15/1996/L.17	7	Austria, Germany, Italy and Netherlands: draft resolution
E/CN.15/1996/L.18	6	Brazil: draft resolution
E/CN.15/1996/L.18/Rev.1	6	Argentina, Brazil and Portugal: revised draft resolution
E/CN.15/1996/L.19	11	Draft decision submitted by the Chairman
E/CN.15/1996/L.20	11 and 12	Draft decision submitted by the Chairman

Background documents

A/50/6/Rev.1	Section 13 of the programme budget for the biennium 1996-1997
A/50/373	Note by the Secretary-General on the report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Document number	Agenda item	Title or description
A/50/375		Report of the Secretary-General on the African Institute for the Prevention of Crime and the Treatment of Offenders
A/50/432		Report of the Secretary-General on the implementation of General Assembly resolution 49/158
A/50/433		Report of the Secretary-General on the implementation of General Assembly resolution 49/159, on the Naples Political Declaration and Global Action Plan against Organized Transnational Crime
A/CONF.169/16/Rev.1		Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995

Annex III

REPORTS OF WORKING GROUPS

I. Working group I, on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime: report by Elías Jassan (Argentina), Chairman of the working group and Vice-Chairman of the Commission

1. Pursuant to Economic and Social Council resolution 1995/11, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its fourth session, an open-ended intergovernmental working group was established at the fifth session of the Commission to consider the views of Governments on the possibility of elaborating a convention or conventions against organized transnational crime, as well as to consider the results of the work carried out by the Secretary-General in collecting and analysing information on the structure and dynamics of organized transnational crime and on the responses of States to that problem. The working group had also been mandated to propose further action on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.

2. The working group met on 22 and 23 May 1996 and had before it the report of the Secretary-General on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (E/CN.15/1996/2) and the report of the Secretary-General containing the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime (E/CN.15/1996/2/Add.1).

3. Following a brief introduction by the Chairman of the working group, in which he provided an overview of its mandate and the issues requiring attention, the working group focused its discussion on a draft resolution proposed by Argentina and Italy on the implementation of the Naples Political Declaration and Global Action Plan. That course of action was deemed advisable in view of the heavy workload of the Commission and the fact that the draft resolution included issues directly related to further action by the Commission in fulfilment of its mandate to ensure and monitor implementation of the Naples Political Declaration and Global Action Plan. The working group took note of the fact that the draft resolution had not been officially submitted and that it was not available in all official languages, thus creating some difficulties to the discussion and full consideration of the text. In spite of those difficulties, progress was achieved in discussing the issues raised by the draft resolution at considerable length. The exchange of views made it considerably easier for the sponsors of the draft resolution to finalize the text for consideration by the Commission (the draft resolution is contained in document E/CN.15/1996/L.11).

4. The working group also carried out a first reading of another draft resolution, proposed by the United States of America, entitled "International cooperation and practical assistance for strengthening cooperative arrangements: development of United Nations model instruments" (contained in document E/CN.15/1996/L.5/Rev.1). The lack of time and the difficulties caused by the unavailability of the document in all official languages did not permit the working group to carry out an in-depth discussion on the draft. Nevertheless, as with the draft resolution on the implementation of the Naples Political Declaration and Global Action Plan, the exchange of views in the working group should provide useful input for the finalization of the draft and its consideration by the Commission.

II. Working group II, on links between transnational organized crime and terrorist crimes: report by Elías Jassan (Argentina), chairman of the working group and Vice-Chairman of the Commission

5. Pursuant to Economic and Social Council resolution 1995/27, section II, adopted on the recommendation of the Commission at its fourth session, an open-ended intergovernmental working group was established at the fifth session of the Commission to consider the views of Governments in the implementation of Ninth Congress resolution 3, paragraph 1, and to consider measures to combat transnational organized crime, including the drafting of a code of conduct or other legal instrument, with due regard to the growing danger of links between organized crime and terrorist crimes. The working group had also been mandated to report to the Commission on Crime Prevention and Criminal Justice at its fifth session.

6. The working group met on 22 and 23 May 1996 and had before it the report of the Secretary-General on links between transnational organized crime and terrorist crimes (E/CN.15/1996/7 and Corr.1).

7. Following a brief introduction by the Chairman of the working group, in which he provided an overview of its mandate and the issues requiring attention, the working group carried out a comprehensive discussion of the subject.

8. Several speakers recalled the debate during the Ninth Congress on the matter, as well as the resolution adopted by the Ninth Congress. In their view, the links between transnational organized crime and terrorist crimes were evident and well established. Such links had been observed in methods of operation common to both organized criminal groups and terrorist groups, as well as in the increasing practice of terrorist groups to engage in criminal activities in order to finance their operations. Another area where links had been identified was exchange of knowledge between terrorist groups and criminal organizations on methods of operation and means of achieving their goals. Attention was called to future trends that could pose grave threats to peace and security, such as the possibility of terrorist groups cooperating with criminal organizations in order to obtain nuclear material, as well as chemical or biological weapons. In the view of those speakers, there was an urgent need for action at the national and international levels. At the national level, countries should increase their capacity to detect links between transnational organized crime and terrorist crimes in order to increase the effectiveness of action against both forms of criminal activity. Furthermore, countries should take immediate measures to deny access by terrorist groups to their territory, using modern technology to make falsification and forgery of passports and other documents difficult and to prevent the smuggling of illegal migrants and weapons. At the international level, there was a need for increased information exchange, particularly on terrorist activities linked with criminal activities, as well as for strengthened cooperation and assistance to countries in need. Countries should also cooperate in tracing the sources of funding of terrorist groups and give priority to mutual assistance and extradition as practical measures to improve international cooperation. Some delegations suggested that there was a need to elaborate an international comprehensive convention against terrorist crimes. Some delegations believed that certain forms of terrorism could be covered under the heading of transnational organized crime and that, therefore, it was not so important to establish links between the different phenomena but to cooperate at the international level to combat all those forms of crime.

9. Many other speakers expressed the view that there was not sufficient evidence of the existence of substantial links between transnational organized crime and terrorist crimes. While there might be occasional cooperation between criminal organizations and terrorist groups, the two phenomena were distinct and, since the Secretary-General's report treated the issue adequately, no further work by the Commission on links was justified. Concentrating on such links would amount to doing a disservice to the thorough examination of

transnational organized crime and terrorism, particularly since both of those issues were extremely important for the international community and merited the increased attention of all States.

10. Terrorist crimes were recognized as very serious forms of crime, which deserved priority consideration by the international community. In this context, the working group expressed its support to General Assembly resolution 49/60. International cooperation was crucial for effective action against that phenomenon, which on many occasions constituted a strategic threat to States. Considerable discussion ensued on the possibility of and need for arriving at an internationally acceptable definition of the phenomenon, as a prerequisite for normative action by the international community in the form of a binding legal instrument, such as a convention. In connection with the issue of a definition, some speakers underlined the enabling consequences of an internationally acceptable definition of terrorism that recognized the distinction between the legitimate struggle of people whose territory was under occupation and acts of terrorism in order for the fight against terrorism in all its forms to be effective. Some delegations noted that, given the difficulties of reaching a definition of terrorism, the important thing was to combat specific criminal acts by terrorists, regardless of their motivation, as had been done in the different international instruments against the various forms of terrorist crime. It was pointed out that there were already a number of international instruments against various forms of terrorist crime and it would be useful to identify their common elements and use them as guiding principles for action against terrorism, while updating and supplementing those existing instruments. While several speakers emphasized the competence of the Sixth (Legal) Committee of the General Assembly on the issue of terrorism, it was pointed out that the Commission was a technical body with expertise on matters related to the prevention and control of criminal activities and could, therefore, examine the issue or function in an advisory capacity to the General Assembly.

11. Several speakers were of the view that no conclusions could be drawn on the basis of the very few responses from Member States received by the Secretary-General and reflected in his report to the Commission. In addition, they were of the view that the subject of terrorism was so important that it deserved further discussion at the sixth session of the Commission. They, therefore, recommended that the Secretary-General continue his consultations with Governments for the purpose of collecting more information and that the working group be reconvened at the sixth session of the Commission to further examine those issues. Many other speakers were opposed to the reconvening of the working group on links between transnational organized crime and terrorist crimes at the sixth session of the Commission, as well as to requesting the Secretary-General to submit a further report on the matter. On that issue, there was no consensus in the working group.

III. Working group III, on United Nations standards and norms in crime prevention and criminal justice: report by Dariusz Manczyk (Poland), Chairman of the working group and Vice-Chairman of the Commission

12. The working group considered the report of the Secretary-General on United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1996/16) and four addenda to that report: "Use and application of the Standard Minimum Rules for the Treatment of Prisoners" (E/CN.15/1996/16/Add.1); "Use and application of the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials" (E/CN.15/1996/16/Add.2); "Use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (E/CN.15/1996/16/Add.3); and "Use and application of the Basic Principles on the Independence of the Judiciary" (E/CN.15/1996/16/Add.4). On the basis of the draft resolution submitted by Uganda and other co-sponsors, the working group discussed the next steps to follow up on the results obtained from the surveys. After consultation, a number of amendments were incorporated in the draft

resolution contained in document E/CN.15/1996/L.15. The working group recommended to the plenary the approval of the revised draft resolution contained in document E/CN.15/1996/L.15/Rev.1 for adoption by the Economic and Social Council.

13. The working group considered victim-related issues on the basis of the above-mentioned survey on the use and application of the Declaration of Basic Principles and the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting (E/CN.15/1996/16/Add.5). The report of the meeting, including a summary of the discussions, is contained in document E/CN.15/1996/CRP.1. A draft resolution was submitted by the Netherlands and other co-sponsors, as contained in document E/CN.15/1996/L.16. Having discussed the draft and incorporated a number of amendments proposed by participants, the working group decided to recommend to the plenary the approval of the revised draft resolution (E/CN.15/1996/L.16/Rev.1) for adoption by the Economic and Social Council.

14. The working group discussed three other issues, related to:

(a) Draft questionnaire on the United Nations juvenile justice standards and norms, on the basis of a note by the Secretary-General (E/CN.15/1996/17). The working group decided to recommend to the Commission to take note of the draft questionnaire contained in E/CN.15/1996/CRP.11 and to request the Secretary-General to send the questionnaire to Member States for replies;

(b) Development of minimum rules for the administration of justice, on the basis of the report of the Secretary-General (E/CN.15/1996/18), which summarized the comments received from Governments on the advisability and on the specific content of the draft minimum rules and included options on how to proceed in that matter. The working group discussed a proposal by which the Secretary-General would be requested to invite a group of experts to review the draft rules in the light of the replies received, giving particular attention to aspects of legal procedure and associated problems pertaining to the different legal systems, extrabudgetary funds being made available for such a purpose, with a view to continuing the consideration of that issue at the sixth session. Due to time constraints, the working group was not able to take a decision on the matter. Accordingly the working group considered the results of the consultations on the subject and proposed that such results be considered directly by the plenary;

(c) Capital punishment and implementation of safeguards guaranteeing the protection of the rights of those facing the death penalty, on the basis of the report of the Secretary-General (E/CN.15/1996/19). The working group started consideration of draft resolution E/CN.15/1996/L.17, submitted by Austria and other co-sponsors. However, due to lack of time it did not manage to properly discuss the issues involved. Accordingly, the working group proposed that further consideration of the draft be given by the plenary through the Committee of the Whole.

IV. Working group IV, on the draft plan of action on the elimination of violence against women, the programme of action on juvenile justice and the eradication of violence against children and the draft action plan on international cooperation in computerized applications: report by Mohamed El Fadhel Khalil (Tunisia), Chairman of the working group and Vice-Chairman of the Commission

15. The first topic to be examined by working group IV related to violence against women. The working group had before it, in particular, the draft plan of action on the elimination of violence against women, contained in the report of the Secretary-General (E/CN.15/1996/11 and Corr.1). Despite the fact that the document had been submitted late, in only one working language, considering the importance of the text the

working group had agreed to examine it on first reading. After a fruitful discussion, the working group decided to change the title of the plan of action to read "Practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women". A consolidated text was produced on the basis of preliminary comments made by the participants and appended to the draft resolution submitted by Canada and other co-sponsors. A draft resolution, entitled "Elimination of violence against women", was the subject of intensive consultation. The revised version of the draft resolution was set out in document E/CN.15/1996/L.10. The working group called on the Commission to ask the Secretary-General to transmit the consolidated text to Governments, institutions and relevant organizations for comments and observations. Considering the multisectoral nature of the question, the working group recommended that the draft document be submitted to the various ministries concerned for their contribution. The Secretary-General was also requested to submit to the Commission, at its sixth session, a report including the text on "practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women", as well as any replies received.

16. On the second topic, the working group had been called upon to examine the drafting of a programme of action on juvenile justice and the eradication of violence against children and to consider the question of an international convention on the illicit traffic in children. After considering the report submitted by the Secretary-General (E/CN.15/1996/10), the working group recommended that the Commission ask the Secretary-General to prepare an overall study of the traffic in children, so as to facilitate the development of concerted strategies to deal with that form of international organized crime. It also thanked Austria for its offer to host the meeting of the expert group to prepare a draft programme of action to promote the effective use and application of international standards and norms in juvenile justice. The working group recommended that the results be submitted to the Commission at its sixth session for examination. On the same topic, the working group was informed of two draft resolutions. One, proposed by Argentina, related to measures to prevent illicit international trafficking in children and to establish penalties appropriate to such offences. The other, proposed by Austria, concerned the administration of juvenile justice. Those two draft resolutions, as revised by the working group, were set out in documents E/CN.15/1996/L.8/Rev.1 and E/CN.15/1996/L.9.

17. On the third topic, the working group examined the draft action plan on international cooperation and assistance with regard to statistical and computerization applications in the management of the criminal justice system, on the basis of the report of the Secretary-General (E/CN.15/1996/13 and Corr.1). The working group also studied a draft resolution proposed by Argentina, supplemented by additional recommendations submitted by Brazil, Colombia, Netherlands and Nicaragua. After examining those proposals, the working group decided to consolidate them in a draft resolution set out in document E/CN.15/1996/L.7.

Annex IV

STATEMENTS ON THE PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTIONS IV, V AND VI

I. PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTION IV, ON MEASURES TO PREVENT ILLICIT INTERNATIONAL TRAFFICKING IN CHILDREN AND TO ESTABLISH PENALTIES APPROPRIATE TO SUCH OFFENCES: STATEMENT SUBMITTED BY THE SECRETARY-GENERAL IN ACCORDANCE WITH RULE 31 OF THE RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COUNCIL

A. Request contained in the draft resolution

1. Operative paragraphs 9 and 10 of the draft resolution entitled "Measures to prevent international trafficking in minors and to establish penalties appropriate to such offences" (E/CN.15/1996/L.8/Rev.1) state the following:

> "9. *Also requests* the Secretary-General to conduct a survey, on the basis of existing international conventions, analysing the extent to which children are protected from becoming victims of illicit international trafficking, taking into account both substantive and procedural aspects of providing such protection, and to compile and analyse the data collected;
>
> "10. *Further requests* the Secretary-General to prepare a report on the results of the survey mentioned in paragraph 9 above, to be submitted to the Commission on Crime Prevention and Criminal Justice at its sixth session."

B. Activities by which the request would be implemented

2. Activities proposed in the draft resolution are related to programme 29 (Crime prevention and criminal justice) of the medium-term plan for the period 1992-1997 (A/47/6/Rev.1) and to section 13 (Crime control) of the proposed programme budget for the biennium 1996-1997 (subprogramme 4: Crime prevention and criminal justice standards and norms).

3. The activities to be undertaken would include conducting a survey on the protection of minors from becoming victims of international trafficking, and submitting a report thereon to the Commission at its sixth session. These activities would require a total of three work-months, with a consultancy to analyse technical aspects of children travelling across borders and to identify cases of illicit trafficking in children including the possibility of illicit child adoption; to screen and analyse the extent to which relevant international conventions reflect necessary procedural provisions for adoption and those ensuring the repatriation of those children who became victims of illicit trafficking; and to analyse the gaps between the existing conventions with respect to the prevention of children becoming victims of illicit trafficking. In order for a consultant to conduct this work, preparations are required in terms of collecting all necessary information and requesting intergovernmental agencies to provide the Secretary-General with relevant material. It would also require some information gathering as regards national adoption procedures, as mentioned above. This activity, as well as the report to be drafted, on the basis of the substantive input from the consultant, will require two work-months of temporary assistance, respectively at the P-3 and GS levels.

C. Modification of the approved programme budget for the biennium 1996-1997

4. The above activities are new and were not programmed in the programme budget for the biennium 1996-1997. Should the draft resolution be adopted, the narrative of the programme budget would be modified as follows:

Add under subprogramme 4 (Crime prevention and criminal justice standards and norms)

Activity 3 (Published material, technical material): report on the survey on minors as victims of international trafficking

D. Estimates of resource requirements for the biennium 1996-1997

5. Total resource requirements are estimated as follows:

	US dollars
General temporary assistance	
(2 months at P-3 level)	19,350
(2 months at GS level)	8,250
Consultant (3 work-months)	18,000
Total	45,600

E. Funding of additional requirements

6. As indicated above, the activities entailed by the draft resolution are new and no provision of resources for their implementation has been made in the programme budget for the biennium 1996-1997. Following a review of its programme of work and available resources, it was concluded that staff resources (two work-months at the P-3 level and two work-months at the GS level) required for backstopping the consultant in conducting the survey and preparing the report under subprogramme 4 could be absorbed from existing resources. The remaining resources approved for the biennium 1996-1997 are fully committed to the implementation of mandated activities and cannot be redeployed to the new activities. Therefore, in order to implement the activities entailed by this resolution, it would be necessary to provide additional resources of $18,000 for substantive activities.

7. It should be recalled that in adopting the programme budget for the biennium 1996-1997, the General Assembly decided that savings were to be achieved during the biennium. The Assembly requested the Secretary-General, in proposing reductions, to ensure fair, equitable and non-selective treatment of all budget sections. The Assembly also emphasized that programme delivery should be achieved in the most effective and cost-efficient manner, while continuing the full implementation of the mandated activities. The proposals of the Secretary-General to achieve the savings of $154.2 million (A/C.5/50/57) are currently under consideration by the General Assembly at its resumed fiftieth session. The savings will be achieved through reductions from all sections of the programme budget, including reductions in the range of

$200,000-$300,000 under section 13. In the proposals, it was indicated that "it should also be understood that any new mandate adopted during the biennium would require new funding or would not be implementable without a commensurate reduction in other mandates".

8. Under the circumstances, it is not possible to absorb the additional resources required for the implementation of the activities entailed by the resolution from existing resources under section 13 or any other section of the regular budget. Should the Economic and Social Council endorse the resolution referred to above, the Secretary-General would seek additional resources from the General Assembly at its fifty-first session by presentation of revised estimates arising from decisions of the Council. In accordance with the procedures established under General Assembly resolution 41/213, these resources would in the first instance represent a charge against the contingency fund established to provide for such purposes. Should the resources needed not be provided, the activities entailed by the resolution would have to be postponed or would be implementable only through a commensurate reduction in other mandates.

II. PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTION V, ON IMPLEMENTATION OF THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME: STATEMENT SUBMITTED BY THE SECRETARY-GENERAL IN ACCORDANCE WITH RULE 31 OF THE RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COUNCIL

A. Request contained in the draft resolution

1. Operative paragraphs 6, 9, 10, 11 and 12 of the draft resolution entitled "Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime" (E/CN.15/1996/L.11) state the following:

> "6. *Also requests* the Secretary-General, while avoiding duplication with the work of the United Nations International Drug Control Programme, to establish a central repository for:
>
> "(a) National legislation, including regulatory measures, on organized transnational crime;
>
> "(b) Information on organizational structures designed to combat organized transnational crime;
>
> "(c) Instruments for international cooperation, including bilateral and multilateral treaties and legislation to ensure their implementation, with a view to making them available to requesting Member States;
>
> "...
>
> "9. *Also requests* the Secretary-General, drawing on the expertise of Governments:
>
> "(a) To make a thorough analysis of the views of Governments on the possibility of elaborating a convention or conventions, including a code of conduct or other instrument, against organized transnational crime, taking into account, *inter alia*, the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime;

"(b) To make proposals on the action that would be appropriate;

"(c) To make proposals for the undertaking of practical activities by States to implement the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

"(d) To report thereon to the Commission on Crime Prevention and Criminal Justice at its sixth session;

"10. *Decides* to establish an in-sessional working group at its sixth session for the proposal of:

"(a) Considering the report and proposals of the Secretary-General;

"(b) Identifying practical activities for effectively implementing the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

"(c) Considering the possibility of elaborating a convention or conventions against organized transnational crime and identifying elements that could be included therein;

"11. *Also requests* the Secretary-General to provide advisory services and technical assistance to requesting Member States in needs assessment, capacity building and training, as well as in the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime;

"12. *Further requests* the Secretary-General, for the purpose of providing the assistance referred to in paragraph 11 above, to develop training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime, taking into account differences in legal systems."

B. Activities by which the request would be implemented

2. Activities proposed in the draft resolution are related to programme 29 (Crime prevention and criminal justice) of the medium-term plan for the period 1992-1997 (A/47/6/Rev.1) and to section 13 (Crime control) of the proposed programme budget for the biennium 1996-1997 (subprogramme 2: Collaborative action against transnational crime).

3. The activities to be undertaken would include:

(a) Establishing a central repository for three categories of information and documentation: (i) national legislation, including regulatory measures; (ii) organizational structures; and (iii) international cooperation arrangements, including bilateral and multilateral treaties, and implementing legislation, with a view to making the collected data available to Member States upon request. The repository would be updated on a yearly basis. This activity would require a total of eight work-months of staff time at the P-3 level, who would collect information, make it available in non-electronic and electronic form through the United Nations Crime and Justice Information Network and the Internet home page of the Division, formulating a standard format for collecting and updating the required information, consisting of multiple tables designed to group the required information in several categories, and preparing an index, cross-reference legislative texts, brief commentary and legislative history;

(b) Analysis of the views of Governments on the possibility of elaborating a convention or conventions against organized transnational crime and prepare a report containing the proposals on the action that would be appropriate and on the undertaking of practical activities by States to implement the Naples Political Declaration and Global Action Plan; and organizing an in-sessional meeting (two sessions) of an intergovernmental group of experts in Vienna during the sixth session of the Commission, open to all States attending the Commission. The group would be provided with interpretation in English, French and Spanish and with pre-session (one document, 24 pages), in-session (one document, 24 pages) and post-session (one document, 32 pages) documentation (E/F/S). The analytical work and the preparation of the meeting would require corresponding staff resources at the P-3 level for two work-months;

(c) Developing training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime, taking into account differences in legal systems. This activity would require four work-months consultancy, three work-months of staff at the P-3 level and printing resources for a publication of 40 pages, (E (1,000), F (500), S (300)).

C. Modification of the approved programme budget for the biennium 1996-1997

4. The above activities are new and were not programmed in the programme budget for the biennium 1996-1997. Should the draft resolution be adopted, the narrative of the programme budget would be modified as follows:

Add under subprogramme 2 (Collaborative action against transnational crime)

Activity 2 (Parliamentary services): intergovernmental group of experts on convention or conventions against organized transnational crime

Activity 3 (Published material): training manual for specialized law enforcement and investigative personnel on action against organized transnational crime

Activity 4 (Information materials and services): central repository of three categories of information and documentation (a) national legislation, including regulatory measures; (b) organizational structures; and (c) international cooperation arrangements, including bilateral and multilateral treaties, and implementing legislation

D. Estimates of resource requirements for the biennium 1996-1997

5. Total resource requirements are estimated at full costs as follows:

Substantive requirements at full costs (section 13)

	US dollars
General temporary assistance (14 months at P-3 level)	135,450

	US dollars
Consultant (4 work-months for the training manual)	28,508
External printing	2,215
Total substantive requirements	166,173
Conference-servicing requirements at full costs (section 26E)	
Meeting services	4,471
Pre-session documentation	11,125
In-session documentation	13,385
Post-session documentation	14,787
Translation training manual	17,112
General operating expenses	3,120
Total conference-servicing requirements	64,000

E. Funding of additional requirements

6. As indicated above, the activities entailed by the draft resolution are new and no provision of resources for their implementation has been made in the programme budget for the biennium 1996-1997. Following a review of its programme of work and available resources, it was concluded that four work-months of general temporary assistance at the P-3 level ($38,700) required for the establishment of the central repository under subprogramme 2 could be absorbed from existing resources. The remaining resources approved for the biennium 1996-1997 are fully committed to the implementation of mandated activities and cannot be redeployed to the new activities. Therefore, in order to implement the activities entailed by this resolution, it would be necessary to provide additional resources as follows: $127,473 for substantive activities; and $64,000 for conference-servicing requirements at full cost.

7. It should be recalled that in adopting the programme budget for the biennium 1996-1997, the General Assembly decided that savings were to be achieved during the biennium. The Assembly requested the Secretary-General, in proposing reductions, to ensure fair, equitable and non-selective treatment of all budget sections. The Assembly also emphasized that programme delivery should be achieved in the most effective and cost-efficient manner, while continuing the full implementation of the mandated activities. The proposals of the Secretary-General to achieve the savings of $154.2 million (A/C.5/50/57) are currently being considered by the General Assembly at its resumed fiftieth session. The savings will be achieved through reductions from all sections of the programme budget, including reductions in the range of $200,000-$300,000 under section 13. In the proposals, it was also indicated that "it should also be understood that any

new mandate adopted during the biennium would require new funding or would not be implementable without a commensurate reduction in other mandates".

8. Under the circumstances, it is not possible to absorb the additional resources required for the implementation of the activities entailed by the resolution from existing resources under section 13 or any other section of the regular budget. Should the Economic and Social Council endorse the resolution referred to above, the Secretary-General would seek additional resources from the General Assembly at its fifty-first session by presentation of revised estimates arising from decisions of the Council. In accordance with the procedures established under General Assembly resolution 41/213, these resources would in the first instance represent a charge against the contingency fund established to provide for such purposes. Should the resources needed not be provided, the activities entailed by the resolution would have to be postponed or would be implementable only through a commensurate reduction in other mandates. The requirements for Conference Service will be reviewed at the fifty-first session of the General Assembly in the context of the consideration of the calendar of meetings for 1997 by the Assembly.

III. PROGRAMME BUDGET IMPLICATIONS OF DRAFT RESOLUTION VI, ON FIREARMS REGULATION FOR THE PURPOSE OF CRIME PREVENTION AND PUBLIC SAFETY: STATEMENT SUBMITTED BY THE SECRETARY-GENERAL IN ACCORDANCE WITH RULE 31 OF THE RULES OF PROCEDURE OF THE ECONOMIC AND SOCIAL COUNCIL

A. Request contained in the draft resolution

1. Operative paragraph 5 of the draft resolution entitled "Follow-up resolution on firearms regulation for the purpose of crime prevention and public safety" (E/CN.15/1996/L.13) states the following:

> "5. *Approves* the work plan established on the basis of the proposals presented by the representative of the Secretary-General to the Commission on Crime Prevention and Criminal Justice at its fifth session and requests the Secretary-General to pursue his study in accordance with the work plan."

B. Activities by which the request would be implemented

2. Activities proposed in the draft resolution are related to programme 29 (Crime prevention and criminal justice) of the medium-term plan for the period 1992-1997 (A/47/6/Rev.1) and to section 13 (Crime control) of the proposed programme budget for the biennium 1996-1997 (subprogramme 3: Crime prevention and criminal justice management).

3. The activities to be undertaken would include: (a) development and coordination of the implementation of the work plan; (b) establishment and maintenance of a database on firearms regulation, including the issuance of the summary reports of the compiled data; (c) organization of four regional workshops; and (d) an ad hoc expert group meeting.

4. The development and coordination of the implementation of the activities contained in the work plan would require 18 work-months of a consultant with the required expertise. In addition 18 work-months of staff resources at the GS level would be necessary for administrative assistance. The establishment and

maintenance of the database would require six work-months consultancy to design, establish and maintain the database, as well as three work-months of GS staff for data entry. The data would be disseminated through the appropriate channel of information. Furthermore, a summary report on the comparative analysis of the data collected and stored in the database would be prepared. The organization of the four workshops to be conducted in 1997 would require eight work-months consultancy to prepare the training material, including training manuals. Each five-day workshop (Africa, Asia and Pacific, Latin America and Europe) will include 25 participants. Travel expenses and DSA of the participants would be borne by the Organization. The ad hoc expert group meeting will be held in 1998 with a view to recommending further actions.

C. Modification of the approved programme budget for the biennium 1996-1997

5. The above activities are new and were not programmed in the programme budget for the biennium 1996-1997. Should the draft resolution be adopted, the narrative of the programme budget would be modified as follows:

Add under subprogramme 3 (Crime prevention and criminal justice management)

Activities 2 (Parliamentary services) and 3 (Published material)

Activity 2 (Parliamentary services): four regional workshops on firearms regulations to identify and assess the priority needs to regulate firearms in each region

Activity 3 (Published material):

(a) Database on firearms regulation issues

(b) Report on the summary results of the comparative analysis on firearms regulation

(c) Training manuals for the regional workshops

D. Estimates of resource requirements for the biennium 1996-1997

6. Total resource requirements are estimated at full costs as follows:

Substantive requirements (section 13)

		US dollars
I	Consultant (6 work-months for the database, including travel) (8 work-months for the workshop, including travel to the four workshops)	113,500
	General temporary assistance (3 work-months GS for data input)	12,000

	US dollars
Travel (participants in the workshops)	231,000
External printing	8,000
General operating expenses (communications)	3,000
Total substantive requirements	367,500

Extrabudgetary resources estimated at $214,000 will be sought for the expenses related to the development and coordination of the overall work plan (18 work-months of consultant and 18 work-months GTA at General Service).

Resources required for the ad hoc expert meeting will be included in the proposed programme budget for the biennium 1998-1999.

E. Funding of additional requirements

7. As indicated above, the activities entailed by the above draft resolution are new and no provision of resources for their implementation has been made in the programme budget for the biennium 1996-1997. Following a review of its programme of work and available resources, it was concluded that three work-months of General Temporary Assistance at the GS level ($12,000) required for the data entry under subprogramme 2 could be absorbed from existing resources. The remaining resources approved for the biennium 1996-1997 are fully committed to the implementation of mandated activities and cannot be redeployed to the new activities. Therefore, in order to implement the activities entailed by this resolution, it would be necessary to provide additional resources of $355,500

8. It should be recalled that in adopting the programme budget for the biennium 1996-1997, the General Assembly decided that savings were to be achieved during the biennium. The Assembly requested the Secretary-General, in proposing reductions, to ensure fair, equitable and non-selective treatment of all budget sections. The Assembly also emphasized that programme delivery should be achieved in the most effective and cost-efficient manner, while continuing the full implementation of the mandated activities. The proposals of the Secretary-General to achieve the savings of $154.2 million (A/C.5/50/57) are currently under consideration by the General Assembly at its resumed fiftieth session. The savings will be achieved through reductions from all sections of the programme budget, including reductions in the range of $200,000-$300,000 under section 13. In the proposals, it was also indicated that "it should also be understood that any new mandate adopted during the biennium would require new funding or would not be implementable without a commensurate reduction in other mandates".

9. Under the circumstances, it is not possible to absorb the additional resources required for the implementation of the activities entailed by the draft resolution from existing resources under section 13 or any other section of the regular budget. Should the Economic and Social Council endorse the resolution referred to above, the Secretary-General would seek additional resources from the General Assembly at its fifty-first session by presentation of revised estimates arising from decisions of the Council. In accordance with the procedures established under General Assembly resolution 41/213, these resources would in the first instance represent a charge against the contingency fund established to provide for such purposes. Should the resources needed not be provided, the activities entailed by the resolution would have to be postponed or would be implementable only if voluntary contributions are forthcoming for this purpose or through a commensurate reduction in other mandates.